LEAVES OF A LIFE

BEING THE

REMINISCENCES OF MONTAGU WILLIAMS, Q.C.

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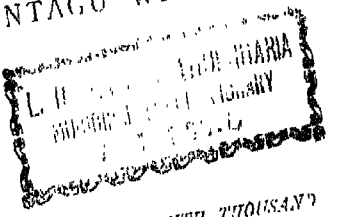
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MONTAGU WILLIAMS, Q.C.



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Dedication.

TO THE BEST AND GENTLEST OF HER GENTLE SEX;—

BUT FOR WHOSE FAITHFUL FRIENDSHIP IN THE SPRING OF 1886

THIS LIFE WOULD NOT, IN ALL PROBABILITY,

HAVE BEEN SPARED;—

THIS BOOK IS MOST GRATEFULLY DEDICATED.

Aldford Street, Park Lane.

Jan. 1st, 1890.

LEAVES OF A LIFE

CHAPTER I.

HÆC OLIM MEMINISSE JUVABIT.

My birthplace—A legal family—My father's one idea—We move from Somersetshire to Berkshire—Our quaint old house in the Cloisters at Windsor—Neighbours and friends—Visit of Lord George Loftus—Why he came amongst us—His habits and customs—Running up to London—How his lordship was "done"—Eton—Some popular "Tugs"—The last Eton "Montem"—The scene in the grounds—Levying "Salt"—Her Majesty's contribution—Why the institution perished.

When a person is about to give evidence in a Court of Justice, he is sworn to tell the truth, the whole truth, and nothing but the truth. Now this is precisely what I am not going to do. The truth and nothing but the truth? Yes. The whole truth? No. My purpose is to run over certain pages in the history of a somewhat varied and eventful life, to describe things that I have seen, and to tell anecdotes of men of note with whom I have, from time to time, been associated. It will be my earnest endeavour, while so doing, to write nothing that can wound the susceptibilities of the living, and to tell naught of those that have passed away, save the good things that should live after them.

I was born at Freshford, in Somersetshire, on the 30th September, 1835, the *locus in quo* a small cottage outside the gates of Stoke, the country residence of my great-uncle and godfather, Stephen Williams. He was a barrister in considerable practice on the Western Circuit. His only children were two daughters: Ellen, a very beautiful girl, who was burnt to death while dressing for one of the Bath balls; and Nanno, who married Colonel, afterwards General, Maitland, and was the mother of the present Earl of Lauderdale.

My family has been steeped in law for generations. My great-grandfather was a Chancery barrister; my grandfather was senior partner in the firm of Williams, Vaux, Fennell, and

Williams, of Bedford Row; and my father, John Jeffries Williams, commonly known as "Little Williams," was on the Oxford Circuit.

My mother, whose maiden name was Jessie Browne, was the daughter of Robert Browne, Esq., who in early youth went out to the West Indies, and settled at Jamaica as a sugar-planter. My father had three children: an elder brother named Mahon, a younger sister named Clara, and myself.

My father, who was an excellent classic, had one idea in his mind that outweighed all others, namely, to give his two sons the very best education in his power. To further this end, when my brother had reached the age of twelve, my father determined to settle in the neighbourhood of Eton, and, whilst practising his profession as a local barrister, to personally supervise the teaching and training of his boys. In due course we migrated from Somersetshire to Berkshire, and occupied a house in the Cloisters at Windsor, having as neighbours the Rev. W. Knyvett on the one side, and the Dean of the Chapel Royal on the other. It was a quaint and ancient house, celebrated for the old painted-glass window in the drawing-room. On this window was the head of a very beautiful woman, popularly supposed to be Margaret of Anjou.

My brother was at once sent to Eton, and became the pupil of the Rev. W. Lawrence Elliot; while I, under the personal supervision of my male parent, was doomed to worry my juvenile life out over the well-inked pages of the Eton Latin Grammar.

My father's principal friends in those days were Dr. George (afterwards Sir George) Elvey, the organist of St. George's; the Rev. T. Gore, one of the Minor Canons; Tom Batchelor, the lame Chapel Clerk of Windsor, and Registrar of Eton College; and Tom Chambré, the well-known associate of the Western Circuit. The principal people in the neighbourhood on the Windsor side, were Captain Bulkeley of Clewer, whose sister-in-law, the handsome Miss Fanny Langford, was the belle of the county; Major and Mrs. Mountjoy-Martin; and Horace Pitt, afterwards Lord Rivers. In the Buckinghamshire district were the Vyses, Vansittarts, Fitzmaurices, Coneys, and Wards.

We had been living in the Cloisters some two or three years, when my father informed us that he expected a visitor, who, he added, would probably remain with us for a considerable period. This was Lord George Lofus, one of the younger sons of the Marquis of Ely, with whom my father had been acquainted for some few years. In due time Lord George

arrived. His visit, as I afterwards learnt, was due to rather peculiar circumstances.

Those were the days of imprisonment for debt, and if a man, who owed money, was unable to come to a satisfactory arrangement with his creditors, he probably found himself in the Fleet, the Queen's Bench Prison, or one of the other buildings set apart for the detention of insolvent debtors. There were certain privileges, however, granted to these unfortunate persons. For example, it was a rule that nobody should be arrested on the Sabbath day, *i.e.* between the hours of 12 p.m. on Saturday and 12 p.m. on Sunday. Again, any person residing within the precincts of a Royal residence, such as Windsor Castle and Hampton Court Palace, was, so long as he remained within those precincts, secure from the hands of the bailiff, or sheriff's officer. Now, Lord George owed a considerable sum of money, which he was unable to pay, and, as he preferred his partial liberty in Berkshire to durance vile in London, he quartered himself temporarily with us in the Cloisters at Windsor. He was a good-looking fellow of about thirty, with very pleasant manners, and I am bound to say that he was exceedingly kind to us children. He had a remarkably fine set of teeth, which he was very fond of showing, and he was perpetually repeating, with a knowing shake of the head, "You can't do Lord George!" Now, if ever there was a man who had been bested by all the bill-discounting Jews and post-obit mongers in England, done to death by every conceivable sharp in racing, gambling, etc., it was our self-satisfied but deluded visitor.

Lord George seemed tolerably happy in his seclusion. He used to roam about the Castle Green and Back Hill, and occasionally drop in upon the officer on guard at the Castle Gate. He would smoke any number of the best and most expensive Lopez cigars, either with one or two of the Military Knights, or some chance friend from London, who came down to see how he was getting on. It was his custom to relieve the monotony of his existence by running up to town on Sundays. He would catch the early morning train from Slough (there was no line to Windsor in those days), and return by the last one from Paddington, which just arrived in time to enable him to hurry into the Castle Yard before the fatal stroke of twelve. My father had, over and over again, endeavoured to dissuade him from running this risk, but, with the usual shake of the head and observation, he obstinately refused to follow the proffered advice.

A year had nearly elapsed since Lord George's advent, when, one Sunday morning, he left in the very highest spirits to pay his customary visit to town. He was to dine with a Mrs. Theobald, then a very celebrated rider with the Queen's hounds, and to meet at her house a few of his intimate friends and racing acquaintances.

Sunday passed in the usual quiet way at Windsor; the last train arrived—but no Lord George. Early next morning a special messenger came down from town, with the news that his lordship had been arrested, and was in the hands of the myrmidons of the law. It appeared that after a very good dinner, with plenty of champagne and lively conversation, his lordship, looking at the clock on the drawing-room mantelpiece, observed that it was time for him to order a cab and drive to the station. With a hurried good-bye he left, but on arriving at Paddington, judge his surprise to find the train gone, the lights out, and the station shut! As he was trying to realise his position, two men stepped out from the shadowy darkness of the station, and one of them, placing a hand upon his shoulder, exclaimed:

"Too late, my lord! The train has been gone some five-and-twenty minutes. Your lordship is done this time."

The fair équestrienne and a racing man named Tom Coyle had been acting in collusion with Lord George's principal creditor—the clock had been put back one hour—and the victim passed that night at Sloman's sponging-house in Cursitor Street, Chancery Lane.

My brother pursued his studies in a very satisfactory way at Eton. After passing his examination, he was elected one of the sixty King's Scholars, or, as they were commonly called, Tugs, a name arising from the fact that they were fed upon no meat but mutton, which was not always of the tenderest description.

It is nearly four centuries and a half since the College of the Blessed Mary of Eton was founded by King Henry VI. Its endowment was mainly derived from the alien priories suppressed by Henry IV., and its original foundation consisted of a Provost, ten priests, four lay clerks, twenty-five poor scholars, and five beadsmen. By successive benefactions and the rise in the value of property, its revenues gradually increased from £652, in 1508, to upwards of £20,000, at which they now stand. Many years ago the number of scholars rose to sixty, and at that point it has remained. They are supposed to be the children of poor gentlemen,

but of late years they have included in their ranks the sons of noblemen and of eminent statesmen. At the time of which I am writing, not the least popular of the sixty "King's" was my brother, familiarly known among his fellows as "Shiny Williams." Boudier, Bumpstead, Gwynne, Mackerness, Joynes, the Polehamptons, and the Brownings, were among his co-Tugs; while conspicuous among the Oppidans were De Bathe (now Sir Henry), the best-looking fellow I think I ever saw; Charlie and Fred Coleridge, Bailey, Chitty (Mr. Justice), McNiven, Astley, Whymper, and many others who have since done something to inscribe their names in the Book of Fame.

It was during my chrysalis state—while I was reading up for the purpose of treading in my brother's footsteps, and being admitted as a scholar upon the foundation—that I was present at the last Eton Montem, an experience I shall never forget. Montem took place once every three years. It was originally founded, I believe, for the benefit of that Colleger who in his year attained the highest place in the school, but who, by reason of no vacancy occurring before the time of his super-annuation, had not the luck to be sent up to King's College, Cambridge. All the money that was taken, under the short and peculiar name of "salt," passed into his pockets on the day that he left, and was supposed to go a long way towards paying his expenses either at Oxford or Cambridge. The amount collected was sometimes as large as £1,000, and even as £1,200.

The boys—or rather, those whose fathers could afford the outlay—were arrayed for the day in all sorts of fancy costumes, some of a beautiful and costly description. You might see the Courts of Charles I. and Louis Quatorze assembled in the Playing Fields, while Captain Macheath, Sir Brian de Bois Gilbert, and Sir Walter Raleigh might be encountered wandering by the banks of the Thames, in Lower Shooting Field. The boys of the Fifth and Sixth Forms were dressed as follows: the Oppidans in red coats with brass buttons (on which were stamped the Eton arms), white waistcoats, and white trousers; the Collegers in what looked like blue naval uniforms. The Lower boys were dressed in Eton jackets with the Eton button, white trousers, and white waistcoats, and in their hands they carried thin white wands.

There was a certain number of Sixth Form, or Upper Division, boys who wore fancy dresses, and acted as salt-bearers. They carried large silken bags, into which they put

the money collected from visitors and passers-by. The donors received in return for their contributions a little piece of blue paper, on which was inscribed the motto for the Montem of that particular year. The motto for the last Montem was *pro more et monte*; that for the last but one, *mos pro rege*.

Royalty itself was not free from the tax. Two "salt-bearers" were stationed on Windsor Bridge, and when the Queen drove down the hill—and she never missed a Montem—the elder of the two stepped forward, stopped the carriage, and, taking off his hat, with the words, "Salt, your Majesty, Salt," placed under contribution the highest and noblest lady in the land.

In the afternoon there was a regular fête in the Playing Fields. The enormous tent captured from Tippoo Sahib, which had been lent from the Castle, was erected as a refreshment booth. At noon all the boys formed themselves into a procession, and marched from the College Yard to Salt Hill, the mound from which the festival took its name. Here Montem was buried with all due pomp and solemnity.

Montem was an expensive custom to keep up. In the first place, the masters, dames, and Fellows had to entertain the numerous visitors whom the occasion brought together; in the next place, the parents of the boys were put to a considerable expense in the matter of fancy costumes. Murmurs arose from both quarters, and thus it came about that, like many another fine old institution, Montem breathed its last. *Sic transit gloria mundi.*

CHAPTER II.

ILLE TERRARUM MIHI PRÆTER OMNES ANGULUS RIDET.

More about Eton—School persecutions—Cricket and football matches, and what followed—I am elected a King's Scholar—The masters—Concerning Bursar Bethell—How we rang old Plumptre's bell—"Sock" shops—Spankie's love for the aristocracy—Heroism of a fag—"Cellar" and "Combie"—The "long glass"—Persons we patronised—My tutor—The nicknames he gave us—His method of punishment—Threepence or half a sheep—Impudence of young Seale-Hayne—The progenitor—Story of Dr. Keate—My only flogging—My tutor's version of the affair—The portrait at the Garrick Club.

SHORTLY after the events recorded in the last chapter, my father moved from Windsor Castle to Willow Brook. Willow

Brook consisted of three houses on the Slough road, about five minutes' walk from Eton College, and just beyond Fifteen Arch Bridge. Our next-door neighbour, and my father's intimate friend, was Mr. Tarver, the French master at the School. He had three sons: Charles (who was for some time tutor to the Prince of Wales), Harry, and Frank (who succeeded to his father's position).

Long Chamber was in existence in those days, though it was doomed to be soon pulled down and replaced by the new buildings. The sixty Tugs inhabited Long Chamber, as well as Carter's Chamber, which was underneath it, opposite the Lower School door.

The Eton of those days was very different from the Eton of to-day. I think if a boy had been seen carrying an umbrella or wearing an overcoat then, the umbrella would have quickly found its way to the bottom of Barns' Pool, and the overcoat would soon have worn the aspect of anything but a complete garment. If a lad entered College as a Lower boy, save and except fagging, he escaped most trouble; but if he entered as a Fifth Form boy, he was, during the first half-year, called a Jew and subjected to all sorts of persecutions, being forbidden, among other things, the privilege of sitting at Upper fireplace. The judge and administrator of punishments was called the "High Priest," and at that time the office was filled by one Ben Simmonds (whose real name was Harry), now a staid and respectable banker at Reading, living at a charming place near Caversham, on the banks of the Thames.

One of the torments to which the Jews had to submit was suggestive of the fate of Shadrach, Meshach, and Abed-nego. An enormous paper fire was lighted in the centre of Long Chamber, and the Jews had to jump into it, and dance about, for the amusement of the Sixth Form and Lower boys. Another ordeal may be mentioned. The neophyte was tied up in his gown, carried to some remote spot—being liberally punished *in transitu*—and there deposited, being left to extricate himself as best he could. These games were carried on after "lock up," for the Collegers had the range of the School Yard, the Cloisters, the Upper School staircase, and, usually, the Upper School.

How long the tortures lasted depended entirely upon how they were taken. Before he faced the fiery furnace, any one who knew what he was about took care to put on two or three coats and one or two pairs of thick trousers; and as a preliminary to the other ordeal, the wary one put into his pocket

a small knife, wherewith to cut open his gown and regain his freedom.

Great nights followed the days on which were played the cricket and football matches between Collegers and Oppidans. No battles were fought with more pluck, energy, anxiety, and determination than those matches, and, if the Tugs were victorious, something like an orgie, I am afraid, prevailed at night in Long Chamber. All the jugs and basins were called into requisition, and the Lower boys were set to work preparing those vessels for the brewing of "gin-twirley," an innocent kind of gin-punch. Recourse was also had to a barrel of strong ale which had been secretly imported, and which was called "A Governor."

Lights were supposed to be extinguished before ten o'clock, and at that hour Dr. Hawtrey, then the "Head," visited Long Chamber to see that all was quiet. On the occasions to which I have alluded—when the festivities were, as a matter of fact, kept up till nearly midnight—special precautionary measures had to be taken in view of the head master's visit. This is what took place. Hawtrey's butler, Finmore (who doesn't remember good old Finney?), accompanied his master on his evening round, and, as they crossed the Quadrangle, on their way to Long Chamber, it was his custom to wave the lantern he carried in his hand. This was a prearranged signal, for which a youngster was on the watch. He was stationed at the head of the staircase, whence, through an iron grating, he looked out upon the Quadrangle. The instant he saw the moving light, he gave the word, and no rabbits ever scampered to their burrows at the approach of a terrier more quickly than the boys—after extinguishing the lights, and without removing their clothes—now bolted to their beds. When Dr. Hawtrey entered Long Chamber, all were snoring and apparently asleep. He went away satisfied, little dreaming that five minutes later the candles would be brightly burning, and a merry festival in progress.

One of our amusements on these occasions was to sing "The Fine Old Eton Colleger," "Johnny Coke," "The Mermaid," and other College songs.

The time that I had so longed for at length arrived. I went into College trials, passed, and was elected a King's Scholar. I have always said, and I repeat it now, that these were the happiest days of my life. If I had twenty sons, and a sufficiently elastic purse, I should send them all to dear old Eton. What other school can show so remarkable a roll of

statesmen? It ranges from Bolingbroke to Gladstone, and includes all the most eminent of the Ministers who have swayed the destinies of this great country from the time of Anne to the Victorian era. Harley, St. John, and Walpole went to Eton, and it was the school of the elder Pitt, the Duke of Wellington, the late Lord Derby, the novelist Fielding, Hallam, Milman, Shelley, and Gray.

When I went into College, Dr. Hodgson was the Provost, and among the Fellows were Wilder, Grover (whose wife was called "Jack"), Plumptre, John George Dupuis, and Tom Carter. Among the masters were Edward Coleridge, Cookesley, Pickering, Harry Dupuis, Goodford, Abraham, Durnford, Balston, Young, Birch, and Johnson. In the Lower School were Okes, Elliott, Luxmore, and John Hawtrey. Bethell was the Bursar. He was a very sententious person, with a loud, sonorous voice, and it was upon him that a celebrated Sixth Form wrote the two following Greek iambics:

Ξηρὸς διδακτικός τε καὶ ῥητωρικός
Μέγας Βέθηλος ὥστε ταῦρος ἐκβοᾷ.

Their author subsequently translated them into English verse, as follows:

Didactic, dry, declamatory, dull—
Big Bursar Bethell bellows like a bull.

All the Fellows lived in the Cloisters, and one of the amusements of the Lower boys was, after "lock up," to be perpetually ringing old Plumptre's bell and running away. One day, chancing to find a large bag of soot in the Cloisters, we carried it to Plumptre's door, deposited it just outside, rang the bell, and then hid round the corner. It so happened that the old fellow had been lying in wait for us, and, to our great delight, he at once burst open the door, seized the bag of soot, and, thinking that at last he had grasped his prey, cried out, "Ha! ha! my little Colleger, I've caught you now."

The principal "Sock" shops, as boys call them—where cake, fruit, ices, and such things are sold—were Barnes', near Barns' Pool, and Webber and Knox's, in the High Street. On the path running down the Long Walk, just outside the School Yard, were to be found Bryan's barrow, and the baskets of Spankie, Jobey Joel, and Tulip Trotman, all crowded with such delicacies as delight the youthful palate. Spankie was a character, and he had a strong regard for the aristocracy. Whenever he met a young nobleman, he would take off his hat and

bow most obsequiously. He was delighted to give him credit ("tick" we called it), and would remark how, years before, he had enjoyed the proud privilege of doing the same for his lordship's father. The late Duke of Newcastle (then Lord Lincoln), his brother (Lord Edward Clinton), Lord Dungarvan (now Earl of Cork), and Lord Campbell were conspicuous among Spankie's customers. Jobey Joel—whose principal wares in summer were strawberries and cherries—and Tulip Trotman ministered to the wants of the humbler members of the community. Bryan's barrow was simply a marvel. It contained, in remote corners and hidden drawers, every conceivable luxury—strawberries and cream, lemon and cherry ices, ginger-beer, lemonade, and a compound, sacred to a few, which looked and tasted uncommonly like cherry brandy.

In those days the "Christopher Inn" was not up town, but stood on the site, and was approached through the same old gateway, as the house where the Messrs. Tarver subsequently taught French. The punishment if you were caught passing through that gateway was a swishing, but this fact did not deter the boys from smuggling into the College many a bottle of Bass and Guinness. On one occasion a fag named Fursden was ordered by a popular Sixth Form to go and fetch half-a-dozen bottles of beer, secreting them in his gown pockets; but he was caught in the act by Judy Durnford, and the next morning he was told that, unless he confessed who sent him on the errand, he would have to go before the head master for execution. Nevertheless, like a young Spartan, he maintained a dogged silence, and, when it came to the point, took his punishment like a man. That night he was asked to supper at Sixth Form table.

After two o'clock on Saturdays two feasts were held at the "Christopher," that of the Oppidans being called "Cellar," and that of the Collegers, "Combie." The feast consisted of cold collations, with beer, shandy-gaff, etc., and they lasted about half an hour. Before you were permitted to be a party to these festivals, you had to go through the somewhat difficult task of drinking the contents of the celebrated long glass. The probationer was allowed to select whatever beverage he liked, and, if he failed to empty the glass, he was ordered to retire and come up again for trial on a future occasion.

Between Barnes' and Webber's stood the shop of Dick Merrick, the watchmaker. What old Etonian does not remember Dick? He sold clocks, watches, studs, links, pins, rings, etc.; and his principal customers were George Wombwell,

"Swell" Jarvis, Billy Peareth, Peyton, Lord Loughborough, Mr. Erskine (Earl of Rosslyn)—a pupil of my tutor's—and many others who were destined to figure in the fashionable world of the future. A little way from Barns' Pool Bridge was "The Tap," kept by Jack Knight. Here, and at Billy Goodman's, Bob Tolliday's, and the Brocas, you might constantly see the familiar forms of Doglardy, Picky Powell, Long Hill, Tot Wansel, Sparrow-Cannon, Nibbs, and others—persons of considerable importance in our eyes. They taught us punting, swimming, and sports of all kinds; supplied us with dogs and rats, blew our footballs, sold us hockey-sticks, and performed other useful offices.

My tutor was the Rev. William Gifford Cookesley. Who that knew Eton in those days will ever forget him? Eccentric and kind-hearted, he was the very last man in the world who should have had the moulding of young minds. After Donaldson—subsequently head master at Bury St. Edmund's, and author of the new "Cratilus"—he was, as his editions of "Catullus," the "Poetæ Græci," and "Pindar" show, one of the ablest scholars of his day.

Cookesley called all his pupils by nicknames. Bathurst (now Sir Frederick), who was much more at home in the Upper Shooting Fields, playing cricket, than sitting at the desk composing Greek iambics, he christened Βαθύς; Sothern, a boy remarkable for the prominence of his nasal organ, "Publius Ovidius Naso"; Haywood minor, the "Sweep"; Whitingstall, who was somewhat of a dunce, the "Professor"; Frank Burnand, who, in some school amateur theatricals, played the King in *Bombastes Furioso*, "Your Majesty"; young Charles Dickens, a great favourite of my tutor's, "Master Charlie"; while I, for some reason or other which I will not stop to inquire into, was nicknamed the "Miserable Sinner."

My tutor had a great dislike to putting his pupils "in the bill," *i.e.* sending them up to the head master to be swished. He preferred correcting them himself, and for this purpose kept in his desk two small thick pieces of gutta-percha, which had been captured from the Captain of his house, and which he called "the Doctor." With these correctives he took summary vengeance upon offenders; and it was clear that he derived a pleasure from so doing.

According to the statute of King Henry VI., on one day in the year every Colleger was entitled to receive threepence or half a sheep, threepence having been the value of half a sheep at the time the statute was passed. On the appointed day,

while the Tugs were at dinner, Bursar Bethell would come into the hall and give each boy a threepenny piece, but never offering him the alternative of half a sheep. On one occasion a small and impertinent young Tug, named Bramwell, when offered the coin, turned round to the Bursar and said:

"No, thank you, sir; I want my half sheep."

Bethell flew into an awful rage, and exclaimed:

"I'll mention this matter to Dr. Hawtrey, and have you flogged."

After three o'clock school the wretched Bramwell was accordingly sent for, handed over to the two holders-down, and duly punished. My tutor, strolling along the Long Walk, outside the School Yard, late that afternoon, chanced to come across young Bramwell, of whose escapade he had heard.

"Master Bramwell," said he, "you're a great criminal. I hear you asked Mr. Bethell for your half sheep, and for that offence have suffered condign punishment. Come and breakfast with me on Sunday. Now, boy, tell me, what would you like for breakfast?"

"Please, sir," said the young offender, "I should like a goose."

"You shall have it," replied my tutor; and on the following Sunday he kept his word.

While giving the names of the masters, I forgot to mention the mathematical masters, Stephen Hawtrey, *alias* "Stephanos," and dear, good-natured, kind-hearted "Badger Hale," whose cheery countenance is to be seen at Eton still. My tutor, for some reason or other, had a contempt for mathematics, and a particular dislike for Stephen Hawtrey. On one occasion, in the Pupil Room, a boy put the following question to him:

"Please, sir, is it true that Mr. Stephen Hawtrey is to wear a cap and gown?"

Whereupon he promptly replied:

"I think not, sir; more likely a cap and bells."

One Sunday evening several of us were sitting with my tutor in his Pupil Room, engaged in what was termed private business, which, on this occasion, took the form of readings from Paley's "Evidences of Christianity." Among those present was a very fat boy named Palk, the son of the standing counsel of the House of Commons. Now it had happened that a few days before, one of the Brocas cads up town, on catching sight of the stout, ungainly figure of Palk, had cried out: "Ain't he like Dubkins?" the observation being made in the hearing of a mischievous youth named Seale-Hayne, who, by the way, now

sits in Parliament for the Ashburton division of Devonshire. Well, as I have said, we were assembled together, quietly discussing the platitudes of Paley, and my tutor—seated at his desk, in slippers and a blue and black draught-board dressing-gown (which I fancy I can see before me now)—was on the point of explaining the meaning of the author in speaking of Christianity as looking through a glass darkly, when all of a sudden a loud voice outside the window exclaimed:

"Ain't he like Dubkins?"

My tutor flung away the book, sprang over the forms, bolted out into the streets—in his slippers, and without a hat—and ran for his life after the culprit. Seale-Hayne, however, was too sharp for him, and, as we afterwards learnt, gave him the slip by running down Middleton's Lane. Cookesley returned in a tremendous rage, and found us all convulsed with laughter. Turning round sharply to me, for some reason, he exclaimed:

"You miserable sinner, you're at the bottom of this! Who, sir, is Dubkins? I'll have you flogged in the morning." A threat, I need hardly say, that he did not carry into effect.

When any member of the Upper School was punished, the punishment took place in the head master's room, where the block was kept. The Sixth Form præposter kept the key of the birch cupboard, and superintended the execution. If the culprit were a friend of his, he busied himself, while Hawtrey was giving a preliminary lecture, in picking the buds off the birch. The sufferer was in the hands of two holders-down while the punishment was being inflicted, and the number of cuts was regulated by the gravity of his offence.

I remember a story they used to tell of Dr. Keate, who preceded Hawtrey in his office. In the school were several brothers, named Voules, who were perpetually enjoying the attention of the head master in the flogging-room. One day Charles Voules (afterwards a well-known solicitor at Windsor) presented himself for punishment, in consequence of a misapprehension, it being his younger brother, Voules minor, who should have attended. In vain Charlie pointed out the mistake

"But you're a Voules," argued Keate, "and if you're not wanted to-day you will be wanted to-morrow;" whereupon he coolly administered the chastisement.

In my own time something of the same sort occurred. At Evans's there were two boys named Mitford, who resembled one another so closely that it was next to impossible to tell

them apart. There was this difference between them, however, that while one suffered acutely during a flogging, the other, from much experience of the birch, had ceased to shrink from its application. The situation suggested a novel proceeding to the brothers. He of the thin skin was one day under sentence of a flogging, but his more callous brother, in return for a pottle of strawberries, consented to undergo the ordeal. He fulfilled his engagement, the fraud being undiscovered at head-quarters.

Only once was I flogged, and then the punishment was unmerited. The circumstances of the case were these. Every boy, when out of bounds, if he met one of the masters, was under an obligation to shirk him, either by slipping into a shop or alley, or by any other method that offered. It so happened that all the masters wore white ties, and it was by this sign that we were in the habit of recognising them from a distance.

One day when I was up town, I noticed, outside Cayley's, the linendraper's, a four-wheel chaise, in which a gentleman was seated. Mechanically my eye sought his shirt-front, and, perceiving that he wore a thick black tie, I did not hesitate to continue my course. Judge of my surprise, however, on arriving alongside the vehicle, to recognise in its occupant none other than Judy Durnford! It was too late to shirk him, and so, not knowing what else to do under the circumstances, I took to my heels and went up the street as fast as my legs would carry me.

After four o'clock that afternoon, Durnford sent for me. How was it, he asked, that I had not shirked him in the usual manner? Too frightened to weigh my words, I stammered out:

"Please, sir, you hadn't got on a white tie!"

Instantly he was crimson, and, in a tone of awful severity, he exclaimed:

"You impudent boy! You dare to tell me what I am to wear, do you? Very well, sir, I'll have you soundly flogged!" And he was as good as his word, though I had been innocent of any intention to give offence.

When my tutor heard of my punishment, he was highly delighted, for it was a theory of his that no boy was a genuine Etonian until he had been swished. On entering the Pupil Room he observed to Cook, one of his favourite pupils: "I say, *Μάγιστρε*, Master Sinner has got himself into a nice mess. Mr. Durnford has complained of him for impudence; he has, upon my word. What do you think of that, now? He actually told Mr. Durnford that the reason he didn't shirk him

was because he hadn't a white tie on." That was my tutor's version of the affair.

My dear old tutor! The last time I saw him (he died some four years ago) was one morning, as I was returning from Westminster Hall, where a part-heard case had been engaging my attention for an hour or two. Having had no breakfast, I determined to call in at the "Garrick" to get something to eat, and it was just before I reached the club that I caught sight of the well-remembered figure. Cookesley was standing before the print-shop at the top of Garrick Street, studying some illustrations of Charles Dickens' works that were in the window. Hurrying forward, I held out my hand, exclaiming: "Hullo, sir!" (the "sir" is never forgotten). "How are you? What on earth are you doing here?" With a hearty shake of the hand, he retorted: "Why, my dear Sinner, how well you look! I am staying at the Chief Justice's." (He was an intimate friend of Sir Alexander Cockburn, who was himself a polished classic, *homo factus ad unguem*.) "He breakfasted rather too early for me, and so I thought I'd call in at the 'Garrick,' and try and find His Majesty (Burnand). I'm rather hungry, and I thought he'd give me something to eat; but, my dear Sinner, you'll do as well. Come along."

While something was being prepared for us, Cookesley said:

"I should like to see the pictures. It is a favourite custom of mine to do so whenever I come to town."

I was leading the way towards the dining-room; but he stopped me, saying:

"Not there; upstairs, if you please, in the morning-room."

"But," said I, in surprise, "there are very few pictures there."

"Never mind," he replied, "the one I want to see most is there."

On arriving upstairs, he stopped before the portrait of Nell Gwynne, and with that peculiar smile that sometimes saddened his face, said:

"That is one of the best creatures, my dear Sinner, that ever lived. She *was* a woman, if you like. Now, I'll be bound you don't know why I say this. Are you aware, sir, that when she died, she left a considerable fund for the relief of insolvent debtors?"

I understood it all then; for my poor old tutor had been in pecuniary difficulties all his life.

CHAPTER III.

QUI FIT, MÆCENAS, UT NEMO, QUAM SIBI SORTEM
SEU RATIO DEDERIT, SEU FORS OBJECERIT, ILLÀ
CONTENTUS VIVAT, LAUDET DIVERSA SEQUENTES?

I leave school—Donation to the head master—How should I earn my living?—I interview Montagu Chambers, Q.C.—I become a master at Ipswich—The work distasteful—I resolve to become a soldier—A commission obtained for me—Eccentric Colonel Sibthorp—Ordered off to Portsmouth—Detachment duty off Tipner—The "Forlorn Hope"—The order from the Horse Guards—Indignation of Sibthorp—Arrival of the recruiting sergeants—I am to go to the seat of war—My new regiment—I proceed to Dublin—A spree: we shave off the whiskers of an ex-pawnbroker's son—Unpleasant consequences threatened—I eat humble-pie—The affair blows over—I again change my regiment—The fall of Sebastopol ends my hopes—The song I composed, and the reputation it brought me—A consequence of that reputation.

ONE of the verses of an old College song, "The Fine Old Eton Colleger," runs as follows:

Now, Tugs, like dogs, must have their day,
And all has quickly past.
The resignation man proclaims,
This Tug must go at last.

And so it is with me. Having, to the great disappointment of my father, failed to obtain a sufficiently high place in my year to be transported to King's College, Cambridge, I was duly superannuated.

It was the custom for the boys, before they left the school, to go and say good-bye to the head master, being then presented by him with a "leaving book." In the case of Oppidans, it was an understood thing that they should place a cheque upon the table, for an amount that accorded with their parents' means.

Dr. Hawtrey, who was the essence of politeness, always affected to be blind to these donations. If it was at the end of the summer term, he would observe, "It's rather warm. I think I'll open the window;" and as he did so, the envelope was duly deposited upon the table. When the next boy who was leaving was ushered in, the same routine was gone through, save that Hawtrey observed: "Don't you think it's rather cold? I think I'd better shut the window."

And thus I left the school I cared for so well. *O si præteritos referat mihi Jupiter annos!*

Having disappointed my father by not getting "Kings's" and thus relieving him of a burden, I determined that, if possible, I would earn my own living. I came up to town, and went to see and consult my second godfather, Montagu Chambers, Q.C., a name that will always be honoured and respected by every member of the late Home Circuit. It so happened that he was on intimate terms with Dr. Rigaud, subsequently Bishop of Antigua, who, at that time, had just been appointed head master of Ipswich Grammar School. I told my godfather of my intentions, stating that I did not exactly know what to turn my hand to. Remarking that my classical education ought to prove useful to me, he promised to write to Ipswich to see if Dr. Rigaud could give me a berth in his establishment.

In a month's time I found myself a master in the Grammar School, having as my principal care the Latin Elegiacs, Greek Iambics, and Latin Prose of the First or head master's Form.

I remained there until I was nearly twenty years of age It was a dull life, about which there is nothing worth relating and of which I quickly tired.

The Crimean War had broken out, and, at my instigation, my father obtained for me—from his old friend, kind-hearted but eccentric Colonel Sibthorp—a commission in the Royal South Lincoln Militia. The regiment was then embodied and doing the duty of regulars. It was quartered at Chichester, in the barracks usually occupied by the Foot Guards. Sibthorp was the honorary Colonel; Henry Fane, Lieutenant-Colonel Commandant; Moore, the Major; and Pell, Brailsford, the two Parkers, Tuke, Norris, and Woodhouse (of Irnham)—commonly known as "Timber"—were among the officers.

We had a capital time at this pretty Sussex town, being most hospitably entertained by the people living in the neighbourhood. After remaining there about six months, we were ordered off to do garrison duty at Portsmouth. We were quartered in the Cambridge barracks, and it was while we were here that old Sibthorp used from time to time to come down and visit his regiment, staying at the "Old Fountain." He was a very strange being. I remember on one occasion, while I was dining with him at the inn, I asked whether there was anything new in town. "Nothing particular, my dear boy," he said, "except the Spanish dancers at the Haymarket." (He was about seventy years of age at the time.) "And would

you believe it, last night I sat in the House of Commons next to a brewer-man" (giving the name), "on the Conservative side of the House, too! What are things coming to!"

While the regiment was quartered at Portsmouth, Brailsford, Tuke, and I, with two companies, were sent on detachment to Tipner, a fort about three miles away, where we remained for some months. In the neighbourhood was an enormous powder-magazine, and I remember one day when the "pill" of the regiment (a rather common little chap, named Ferneley), who had come out to inspect the men, pointed to the building, and asked, "What is that big place?" Brail, as we called him, who was not very fond of the questioner, replied: "You put your little carcase up there, with a lighted pipe in your mouth, and you'll soon find out what it is."

Tuke and I were very much together at this time, and our principal amusement was to potter about the harbour and the pools entering it, in a boat that we had chartered, and christened the "Forlorn Hope."

Our temporary exile at Tipner being at an end, we returned to head-quarters; and a day or two afterwards an order came down from the Horse Guards, to the effect that recruiting officers would shortly make their appearance, to take off a number of our men to the line.

We were an excellent body, close on a thousand strong, and we had an exceptionally good Adjutant. We were splendidly set up and disciplined, and a finer regiment was never seen drilling on Southsea Common. Though not a very liberal man, the Colonel had spent a good deal of money upon his men. On one occasion, indeed, he defrayed out of his own pocket all the extra expenses attached to twenty-one days' training at Grantham. When he learnt that Her Majesty was about to take away a certain number of his regiment for active service, he became perfectly furious, and ordered the barrack gates to be shut. It was not until Colonel Fane pointed out to him that his ultimate destination, if he persisted in this course, would be the Tower, or some other building used for the incarceration of seditious persons, that he consented to countermand the order.

The recruiting sergeants were admitted, and a commission was offered to every officer who, with the sanction and at the nomination of his Colonel, could get together a hundred men willing to follow him to the line. I was subaltern of the light company (there were flank companies in those days), and my Captain happened at the time to be absent. Upon my asking

my men whether they would accept Her Majesty's bounty, and proceed as regulars to fight for their Queen and country, some fifty or sixty of them stepped out from the ranks. Poor fellows! I believe they thought that, into whatever regiment they were drafted, they would go with their own officer, though this hope was doomed to disappointment. As I was speaking to them, the Colonel came up, and said: "You have always done your duty"—(I am afraid I was rather a favourite of his)—"and I like parting with you as little as I do with my men; but if a complement is made up, and you wish it, you shall go too."

It was precisely the desire I had long entertained, and I accepted the offer with gratitude. A few days afterwards I learnt that in a short time I should receive a nomination to some regiment of the line.

It was at Chichester and Portsmouth that I first made my appearance in amateur theatricals. We played at the Southsea Rooms, in aid of various charities, and it was there that I first became acquainted with Captain Disney Roebuck, with whom I was subsequently associated in my somewhat brief experience of the stage.

About a fortnight after the recruiting in the barrack yard, I found myself gazetted to the 96th Foot, and, after a short term of leave, I joined my regiment at head-quarters in Dublin, in those days one of the cheeriest of garrison towns. Cumberland was the Colonel, Currer and Scovell were the Majors, and my Captain was a very good-natured Scotchman named Grant.

A battalion of the 60th Rifles, the 16th Lancers, the Queen's Bays, and the K. D. G.'s were quartered in Dublin at the same time. Lord Carlisle was the Lord Lieutenant, and he kept up the Castle festivities with their usual pomp.

It was while here that I nearly got into a mess that might have led to my early retirement from the service. It happened that a young fellow named ——, the son of a retired pawnbroker, had just ventured to join one of Her Majesty's regiments of cavalry, in the capacity of subaltern. The officers were furious, and every device was resorted to to get rid of him. Hay was made in his room every day, and he was subjected to every sort of bear-fighting. While at one of the afternoon levées at the Castle, I met a subaltern of the ——, and he invited me to mess at the Portobello Barracks, telling me that there were a number of fellows coming from other regiments, and that there would be great fun. I accepted the invitation, and duly arrived at the barracks, where I found, among others, Bob Grady, of the 60th, C—— H—— (now

a General, and in command of a cavalry regiment), Jack Dillon, and the objectionable ——. After mess we adjourned to the junior officers' quarters, where a regular orgie took place.

When the fun was at its height, it was suggested that we should have a mock trial, and that ——, the pawnbroker's progeny, should be arraigned for that he, not being able properly to speak Her Majesty's English, had ventured to join Her Majesty's ——. I was appointed counsel for the prosecution, and the upshot of the proceedings was that the offender was sentenced to have his moustache and whiskers removed. A large pair of scissors was procured, the poor wretch was held down by the two junior cornets, and, in spite of his shouts and struggles, the hair on one side of his face was entirely removed. We got no further, however, for so violent grew his resistance that it was found impossible to operate on the other side.

At about three o'clock that morning four of us were on an outside car, proceeding home. The excitement was over, and no doubt the cool, fresh air had a sobering effect upon our minds. I remarked to the man sitting by my side, "There'll be a jolly row in the morning." And there was.

After parade the Colonel called me out of the ranks, and, in a tone of severity, told me to go and report myself at the Portobello Barracks, and on my return to consider myself under arrest. On arriving at the barracks, I found, outside the mess-room, a knot of my companions of the night before, engaged in earnest conversation. I joined them, asking eagerly what was to be done, and whether they had interviewed our victim that morning. On receiving, with reference to the latter portion of my question, a reply in the negative, I suggested that the sooner this course was taken the better. Unless he got us out of the mess, I pointed out, the Colonel would be sure to report us to the Horse Guards, when it would be all up with us. The question was, who should do it, and, as nobody seemed particularly keen upon the idea, I volunteered to take the matter in hand myself.

I went up to ——'s quarters, knocked at the door, and was ushered in. A ludicrous sight met my eyes. There stood ——, with enormous whiskers and moustache on only one side of his face! I couldn't help it, and I burst out laughing, exclaiming: "My dear fellow, why don't you take off the other side? It's the only way out of it." Whether it was my good-humour, or the absurdity of his appearance, as reflected in the glass,

I cannot say, but he, too, now burst out laughing, and replied: "Upon my soul, I think you're right."

I told him how sorry we all were for what had occurred, and begged that, when he was summoned to the orderly-room, he would do the best he could for us. He gave the required promise, which he faithfully kept; and in the end we were fortunate enough to escape with only a few days' arrest.

Dublin was no end of a place for gaiety. In the winter there were three or four balls every night, and in the summer any number of picnics to Bray and other beautiful spots in the neighbourhood of the Hibernian capital.

Among the smartest and best-looking of the fellows were Cootie Hutchinson, of the Bays, and his brother, Sir Edward, nicknamed Pat. Cootie and I were at Eton together, soldiers together, and, at the present time, are members of the same clubs together. I don't know how it is with me, but as far as I can see, years have not in the least degree changed him.

The Kingstown Regatta was a great function then, and the dinners at Salt Hill were events to be remembered.

There was no chance of getting out to the Crimea in the 96th, as the regiment was the last on the roster for active service, and so I determined to exchange. This I succeeded in doing, though not without difficulty. I joined Her Majesty's 41st, the Welsh regiment. As it was actually out in the Crimea at the time, I had to report myself at the depôt at Walmer.

My hopes were doomed to a bitter disappointment, however. Sebastopol was taken, the war was over, and, instead of my going out to the regiment, the regiment came home to me.

I was a bit of a poet in those days, and composed a song on my new regiment. Its badge, I may state, was the Prince of Wales' feathers, and its uniform was scarlet, with white facings. The regimental band was always preceded by a goat. During the Russian war no brigade distinguished itself more than that composed of the 44th, the 49th, and the 41st. This is the song that I composed:

Her mountains mourn, her bards are gone.
Who mourn the mighty dead?
In vain the Saxon pressed his heel
Upon the Welshman's head:
Cambria still lives; her ardent sons
Will yet maintain their ground—
Long as the sun shall run his course,
And shed his light around.

That light shall still poor Cambria cheer,
Amidst her darkened fate;
No more her children shed a tear
Upon her fallen state.
Fallen! ah! no, her kings shall rise,
Resume their ancient power;
Cambria shall be herself,
And clouds no longer lower.

Llewellyn shall resume his sway,
Cadwallon king again;
All thoughts of former pain shall cease
Hushed 'neath the harper's strain;
Then once again the wassail bowl
Shall pass, and lays resound;
Songs sung in honour of the day,
When Cambria stood her ground.

Amidst the fight, who leads the van?
Whose hearts for glory thirst?
Go ask at Alma, Inkermann—
They'll say the Forty-first.
Time shall not change Talhion's songs,
The Eisteddfod still prevails,
The Welsh their dauntless name preserve,
Their chief, the Prince of Wales.

This effusion gained for me the reputation of a poet, and one of the consequences was that a queer favour was asked of me. In the regiment was a great dunce, who experienced considerable difficulty in conducting his private correspondence. Being of a sentimental turn he had fallen over head and ears in love with one of the garrison beauties, and he came to me and begged that I would write a love-letter for him. I consented, but while engaged on the composition, he, apparently thinking I was approaching too near to popping the question, looked up and said: "Oh, I say, Monty, hang it all; hold hard, old fellow. Ain't that rather too strong? Don't you think we had better say something about the weather?"

CHAPTER IV.

ARMA DEFUNCTUMQUE BELLO
BARBITON HIC PARIES HABEBIT.

Life at Walmer—Unpleasant officers—How I offended the Colonel—The "Subalterns' Arms"—I ask to be exchanged—Our impecuniosity—How I humbugged the sheriff's officer—I make a bolt for it—Jumbo and I ask leave—We proceed to London—The newspaper advertisement—Interviewing the money-lender—His terms—We call upon his "friend"—A singular breakfast—"Merely a matter of form"—A disturbance in the street—Jumbo and I arrested—We are taken before the magistrate and fined—Visit from "Captain Curtis"—The trick played upon us—My father and godfather to the rescue—I return to Walmer, and leave the service.

My life was not so pleasant at Walmer as it had been at Dublin and Portsmouth. The depôt battalion system had just commenced, and under it I felt almost as though I were at school again. Then, too, I was not fortunate in my officers, which was the more unpleasant because I had been rather spoiled by those under whom I had previously served. The Colonel Commandant, whose name was Eyre, was a regular martinet; and the second in command, Major Deverill, about as disagreeable a man as you could meet in a day's march. However, there were some very good fellows at the depôt; Captain Gregory, of the 44th, for instance, and Captain Earle, who afterwards exchanged into the Guards, and, as General Earle, met a soldier's death in Egypt. There were also some very decent comrades in my own corps.

Unfortunately for me, I soon fell into the Colonel's bad graces. His antipathy, if I remember aright, dated from the time when Gregory, in a thoughtless moment, showed him some doggerel I had written. It had reference to the state of things then existing at the depôt, and the following were some of the lines, which I repeat as well as I can remember them:

> But things now are changed, and these tatterdemalions
> Are ranged right and left into depôt battalions.
> At Walmer—how warm!—all will own who are fair,
> Though the climate is good, there's a d—— nasty Eyre.

I and two other subalterns—Johnson, nicknamed Jumbo, and Warner—desiring to supplement the accommodation afforded by our quarters in barracks, rented a little cottage just outside Deal. Among the other men, it came to be known as the

"Subalterns' Arms," a name that perhaps will indicate, better than any description of mine, the festive uses to which the place was put. Somehow or other the Colonel came to hear about our cottage, and in consequence I received a severe reprimand. After dilating upon the enormity of our offence, he said: "You are the ringleader of the lot. No doubt you think yourself remarkably clever, what with your lampoons and your dramatic performances" (we had been having some amateur theatricals), "but I can tell you this, sir—if you want to stay here you'll have to turn over a completely new leaf."

In a short time the head-quarters of the regiment returned from abroad, and became quartered at Shorncliffe. Knowing that, after what had occurred, I should never get on at the depôt, I determined to go over and see Colonel Goodwin, the commanding officer of the regiment, and entreat him, if he wished me to remain in the service, to exchange me for somebody at head-quarters. He was a very good fellow, and after reading me a lecture on my misdeeds, promised to have me transferred as soon as an opportunity should occur.

The desired chance was a long while coming, and I was still at Walmer when circumstances arose that made it necessary for me to obtain leave of absence for a short time. All of us at the depôt were in a terrible state of impecuniosity, and I, Jumbo, and a comrade named Talmage were perfectly well aware, having received documents commencing, "Victoria, by the Grace of God," etc., that our personal liberty was threatened by the sheriff's officer.

One morning, at a full-dress parade, it was whispered that the minions of the law were in the barrack-yard. The instant we were dismissed, those who had to fear the worst bolted like rats to their quarters. As I was hurrying upstairs, and just as I was approaching my room, I came face to face with one of the unwelcome visitors. He stopped me, saying, "I beg your pardon, sir, but could you direct me to Mr. Williams' quarters?" Having sent him off in the opposite direction, I ran into my room, left a message with my servant for some of my companions, and then—fully equipped with shako, sword, and full-dress uniform—I passed out at one of the back doors, and bolted across the fields in the direction of Sandwich.

Luckily for me it was a Saturday. Another fortunate circumstance was that Sandwich, at this time, was outside the district of the sheriff's officer. If I could only reach Sandwich and stay there until twelve at night, I knew I should be free

to return to Walmer, and remain there over the Sunday, without fear of arrest.

As I was crossing the fields, I met a pack of harriers in full cry. It was the pack that hunted in the immediate neighbourhood of Walmer, and most of the fellows were known to me. It amused them very much to learn how I came to appear among them in so unusual a costume.

I reached Sandwich all right, and took up my quarters in the billiard-room of the hotel, whiling away my time by a game with the marker. Presently Jumbo and Talmage, who had been apprised of my proceeding by the message I had left with my servant, arrived in a dog-cart, and, at the proper time, they took me back to Walmer. In the morning it was necessary for me to go and make a clean breast of it to Eyre, and ask for leave to go up to London and raise the money to discharge my liabilities. Jumbo was forced to do the same, and he joined in my request for a fortnight's leave.

I am bound to say that Eyre behaved rather well. Of course he was, or affected to be, very angry; but he granted the request in both cases. There was no train on Sunday night from Deal, so we hired a trap and drove over to Dover, where we caught an express to town.

On arriving in the metropolis, we proceeded to "Lane's Hotel," the habitual resort of subalterns in those days, and situated in a street just off the Haymarket. Here we determined to remain until we had accomplished the object of our journey.

Jumbo had seen, in the columns of a daily paper, an advertisement headed, "To all who are in debt or difficulties," and offering accommodation upon the most benevolent and easy terms. The reader was directed to apply to A——, at some number in Regent Street, Waterloo Place. Here, then, was our man, and here was an end of all our difficulties.

On Monday morning we interviewed A——. He was a fat, sleek, over-dressed, under-bred individual, wearing any number of rings; and we found him in a gaudily-furnished office, smoking a very large cigar. After learning our errand, and inquiring what accommodation we required, he asked whether our commissions had been purchased (Jumbo's had), and various other questions. He then went on to say that he did not lend money himself, but that he had a friend in the neighbourhood who did, and that, if we could call again on the following morning, he would in the meantime see what could be done towards meeting our requirements. We called

as directed on the following day, and learnt that the money could be lent us upon a joint bill at three months, we paying, as I afterwards reckoned, about 130 per cent. interest for the accommodation, not to mention A——'s commission of about £20.

Our position was such that we greedily accepted the terms, whereupon we were taken to a house in Warwick Street, Golden Square. The door was opened by a very slipshod-looking servant, and we entered a passage where there was no oil-cloth, and which was as dirty a hole as ever I saw. Our conductor and guide requested us to remain here a few minutes, while he entered and interviewed his principal. Just as my stock of patience was becoming exhausted, A—— reappeared and ushered us in.

On the front door, as I omitted to mention, was a brass plate, on which was the name of Cook. This Mr. Cook, we now learnt, was the individual who was to lend us the money. He was seated at a desk, engaged with what I presume was his breakfast, though the hour was nearly noon. The meal consisted of a sausage, and on no other occasion have I seen a sausage cut into such small pieces, or eaten with such deliberation.

After addressing a few questions to us, Mr. Cook produced his cheque-book and proceeded leisurely to write out a cheque. The bill was for £500, from which sum he took care to deduct the interest in advance, as well as the amount of the stamp and of A——'s commission. The bill being signed, accepted, and endorsed, I put out my hand to grasp the cheque; but it appeared that I was a little premature. Before the money became ours, we were told, there was another ceremony to be gone through. We were to be taken to a neighbouring solicitor's office, where there was a second document for us to sign—"a mere matter of form," we were assured. We went, accordingly, to the solicitor's office, and, upon being again told that the proceeding was purely a formal one, we both of us signed the document without reading a word of it.

Two nights afterwards, Jumbo and I, after going to the theatre, had supper at the "Café de l'Europe," in the Haymarket. Just as we were leaving to proceed to the hotel (it was about one o'clock in the morning), we came across a crowd on the pavement. I should mention that at this time there were several of our brother officers in town, and, among the number, Jack L——, whose name, as he has since turned

parson and gone into the Church, I suppress. On running up to the crowd to see what was the matter, judge of our surprise to see L——, as the central figure, in the grasp of a constable. He explained to us that, seeing the policeman brutally ill-treating a poor woman — probably one of the midnight wanderers of the streets—he had raised a protest, whereupon the representative of the law put his knuckles well into his throat, and said he would take him to Vine Street Station. Knowing that I could rely upon what had been told me, and that L—— was innocent of any intention to break the peace, I endeavoured to set matters right, giving the policeman our names and addresses. While I was thus engaged, another policeman came up and caught hold of me, whereupon we were dragged through the streets and taken to the station.

To my horror and astonishment, we were charged with assaulting the police. The inspector, who, I am bound to say, was most courteous, put a number of questions to us; after which, on sending for the proprietor of "Lane's Hotel," who came and bailed us out, we were released. Next morning we made our appearance before the worthy magistrate at Marlborough Street, Mr. B——n, who, after hearing the evidence of the constables, as well as of the witnesses who came forward on our behalf, decided, Heaven knows why, in favour of the police, fining us five pounds and binding us over to keep the peace. There was nothing for it, so we paid the fine and left the court; and the next morning there appeared in the newspapers a charming little paragraph, headed "Officers and Gentlemen," setting forth the facts as stated by the constables, and, of course, giving our right names and addresses.

Two days after this, as Jumbo and I were breakfasting at the hotel, one of the waiters came up and said to me: "Captain Curtis wishes to see you, sir." I had known an officer of that name in the 15th Foot, and I at once told the waiter to show the gentleman up. Now, any one less like a captain than the individual who appeared, I never saw. He was both shabby and dirty. Approaching the table, he told me that he was a sheriff's officer, and that I must consider myself in his custody; and he concluded with the request that I would at once follow him to the cab waiting outside. "What is the meaning of this?" I cried; for I had paid the debt for which process had been issued against me at Walmer. "I don't owe anything. There must be some mistake."

"Oh, no," replied he, "it's right enough. It's at the suit of Mr. Cook, of Warwick Street."

"But," I protested, "the bill was for three months, and I only signed it four days ago."

"Ah, yes, sir," he said, "but you must forget signing another document at the same time. By doing so you confessed judgment, and you were liable to be arrested the moment you took your pen off the paper."

Now I saw how we had been done. We had been caught in the money-lender's trap. I will not state here how, and under what circumstances, Mr. Cook and I met in after years, when I was practising my profession at the Bar. Suffice it for the present to say that I owed him a debt, and paid it with interest.

I had at the time to appeal to my father and godfather for assistance, which was, as it always had been, liberally and generously accorded me. The money was paid, and I was liberated.

On my return to Walmer, I found a letter from Colonel Goodwin, ordering me to head-quarters, the opportunity having occurred to have me transferred.

For several months I remained in camp, getting on fairly well, and then the regiment was ordered again on foreign service, its destination this time being the West Indies. Both Jumbo and I—though he had served considerably longer than I—had now had about enough of soldiering, and, therefore, a few days before the regiment sailed, we sent in our papers and retired.

CHAPTER V.

OMNIA VINCIT AMOR.

I stay with my parents at Reading—Visit from Disney Roebuck—Our amateur theatricals—We resolve to go on the stage—Our early engagements—An eventful introduction—Miss Keeley hears me my lines—I meet Henry Irving—Playing in the Potteries—Mrs. Patch—Why I went to Dublin—My marriage—My wife's parents—We take a house in Pelham Street—Another provincial tour—Mrs. Wyndham—Johnny Toole—I leave the stage—Reminiscences of Keeley—Mrs. Keeley's versatility—Adelphi dramas—Visitors at Pelham Crescent—Mr. and Mrs. Alfred Wigan—Mr. and Mrs. Levy—*The Daily Telegraph*—Mr. Edward Lawson—I enter at the Inner Temple—Frank Burnand—He and I write plays together—I take a manuscript to Robson—The price paid for it.

My father and mother were at this time living at Reading, in Berkshire, and I went to stay with them for a few weeks.

While there, Disney Roebuck came to visit me, and we got up some amateur theatricals. We played for several nights in the Town Hall, the pieces being, *Delicate Ground* (in which Roebuck took the part of Sangfroid and I that of Alfonse de Grandier), *The Dream at Sea*, *The Wreck Ashore*, *The Lady of Lyons*, and *Raising the Wind*. At that time there was a military coach on Castle Hill, and it was from the ranks of his pupils that we formed our company. Among the number was "Dolly" Wombwell (brother to Sir George), Cumming, Palliser, and Haldane.

It was as an outcome of those performances that Roebuck and I determined, if we could get engagements, to star in the provinces. I left the business arrangements to him, and in due time we started, our first town being Manchester. The lessee there was John Knowles, a man very well known in dramatic circles. A marble mason by trade, and a great connoisseur of pictures, he left the theatre almost entirely in the hands of his acting manager, Mr. Chambers. We played for a week, and met with considerable success. The pieces we opened with were *The Wonder: or, a Woman keeps the Secret* —Roebuck taking the part of Don Felix and I that of Colonel Britton—and *The Camp at Chobham*, in which I sustained the rôle of Colonel Damer. From Manchester we proceeded to Birmingham, where the lessee and manager was Mr. Simpson, and to Worcester and Coventry, the lessee of the theatres in those towns being Mr. J. Rogers.

The next towns for which we procured engagements were Edinburgh and Glasgow, and it was at the former that the principal event of my life happened. Here it was that I first met the lady who was shortly to become my wife. The proprietors of the Theatre Royal were my now old friends, Mr. and Mrs. Robert Wyndham; and it was Mrs. Wyndham to whom I owed the memorable introduction.

Miss Louise Keeley, the youngest daughter of the celebrated Mr. and Mrs. Robert Keeley, was at that time starring in Edinburgh. Roebuck and I arrived on a Saturday, in readiness to commence on the Monday, and it happened that Miss Keeley's engagement terminated on the following Thursday. On reaching the northern metropolis, having nothing better to do, we strolled round to the theatre to discuss arrangements with the manageress; for it was Mrs. Wyndham who entirely superintended all matters of stage management, and was in fact chiefly responsible for the well-doing of this most successful theatre. I was on the stage,

leaning against one of the boxes, and my eyes were, I presume, wandering towards the talented little lady who was to become so great a blessing to a portion of my future. Mrs. Wyndham, calling me over, said: "I have much pleasure in introducing you to Miss Louise Keeley." We at once commenced a conversation, and very quickly became friends. The next day I, not being quite perfect in the part I was to play on the Monday night, was wandering in the neighbourhood of Arthur's Seat, studying my lines, when whom should I meet but the lady to whom I had been introduced on the previous morning. We walked together for a considerable time, and in the end I asked her to hear me my part—a favour that was at once granted.

For the Thursday, Miss Keeley's last night, Mrs. Wyndham suggested that we should play *London Assurance*, Roebuck taking the part of Dazzle, I that of Charles Courtley, and Miss Keeley that of Grace Harkaway. As a matter of fact, the part of Charles Courtley, of which I had never seen a line, is one of the longest of the kind on the stage; but so anxious was I to sustain the rôle that I at once agreed to the arrangement. To such good purpose did I put the short time at my disposal that, at the rehearsal on Thursday morning, I was letter-perfect. At night the play was a great success, and I have often heard Mrs. Wyndham say that in all her experience, she has never known Charles Courtley make love to Grace as naturally as I did on that occasion.

It was at this theatre, and during this and subsequent engagements, that I came in contact with my friend Mr. Henry Irving, who was a stock actor in the company at that time, playing walking gentleman.

From Edinburgh Roebuck and I proceeded to Glasgow, the theatre there being under the management of Mr. Edmund Glover. From Glasgow we went to Perth, and from Perth to Newcastle, the lessee at the latter place being Mr. E. D. Davies. From Newcastle we proceeded to Hanley and other towns in the Potteries. I shall never forget those towns. At Bilston, one of them, on the morning after our arrival, we sallied forth to find the theatre. The most awful building imaginable was pointed out to us, and when we got inside, we found that it was all pit and gallery, with no boxes or stalls. The manageress, Mrs. Patch, lived just outside the theatre, in a four-wheeled vehicle that looked uncommonly like a travelling caravan. We had arranged to play for our opening piece, *The Wonderful Woman*—I taking the part of Crepin, the cobbler, and

Roebuck that of the Marquis de Frontignac—and upon presenting ourselves at rehearsal, we found the gentleman who was to sustain the rôle of the Count de Millefleur standing on a ladder with a pail of whitewash and a brush, busily engaged in distempering the ceiling. When rehearsal commenced, we were introduced to the leading lady, who was to play the part of Hortense, and found that she was none other than Mrs. Patch herself, a lady who must have turned the scale at fourteen or fifteen stone.

Hanley was a primitive place, and so were all the towns in the Potteries. If the audiences there did not appreciate the merits of a *débutant*, their ordinary way of expressing displeasure was, as they termed it, "to heave half a brick at him."

It was on leaving Hanley that Roebuck and I parted company; he going home to his wife and family, who lived at Ryde, and I proceeding to London.

On the Saturday after my arrival, on scanning the pages of *The Era*, I learnt that Miss Keeley was playing at the Queen's Theatre, Dublin, then under the management of Mr. Harry Webb. The fact is, I had completely lost my heart, and I determined to start at once for Dublin, taking my chance of obtaining an engagement there. I carried out my intention, and the engagement I formed was a matrimonial one. I duly proposed and was accepted, but as, so far as we were personally concerned, we were both, comparatively speaking, paupers, we knew that it would be useless to ask our parents' consent to the marriage. We therefore got married without their consent, and without consulting any one.

We came up to London, and my wife at once introduced me to her parents. They were, of course, at first rather angry with us for not having taken them into our confidences; but they very soon relented, and we were forgiven. They were then living at Pelham Crescent, Brompton, in the house that Mrs. Keeley still occupies. Though past the honoured age of three-score years and ten, she is, I am happy to say, almost as hale and hearty as ever. My wife and I took a small house in Pelham Street, in order to be near at hand, and, while it was being prepared for our reception, we went on another provincial tour. We obtained an engagement to play for a fortnight in Edinburgh, the period being subsequently extended to a month. We lived in lodgings in Prince's Street, and saw a great deal of the Wyndhams. Irving was still in their company, and it was during this engagement that he and I became the close friends we have ever since remained.

In addition to her town house, Mrs. Wyndham had a country cottage, situated a few miles out of Edinburgh; and the Sundays we passed there I now reckon among the happiest of my life. From Edinburgh we went to Belfast, where the lessee was a man named Cook, and it was during my stay in this town that I became acquainted with my good friend Johnny Toole. His engagement ran simultaneously with ours, and among the pieces we performed was *The Winter's Tale*, he playing Autolycus, and my wife, Florizel. It was at this time that I first heard him sing his afterwards celebrated song, "A 'norrible Tale."

From Belfast we proceeded to Sunderland and South Shields, the theatres there being the property of Sam Roxby, the brother of William Beverley, Bob Roxby, and Harry Beverley—names well known in all theatrical circles. We played at Sunderland and South Shields for about a fortnight, and took Nottingham on our way home, having accepted an offer from Mrs. Savile to perform there for a few nights.

This was the end of my experience as an actor, for, on our return to Pelham Street, as the result of a long conversation with my father-in-law, I determined to leave the stage and enter myself as a student at one of the Inns of Court.

It was now that I made the acquaintance of many theatrical and literary people. Brompton was the quarter in which they mostly resided, and the Keeleys' house was not the least hospitable in the neighbourhood. It is a curious thing that, in my school days, when I came up to town to spend the holidays with friends, I always showed a fondness for theatres, and above all for the Adelphi, where the Keeleys were principally engaged. This was before they became lessees, first at the Lyceum, and then, in partnership with Charles Kean, at the Princess's.

Who ever saw a better exponent of terror and cowardice than Mr. Keeley? I shall never forget him in *The Serjeant's Wife*, in which he played Robin to Mrs. Keeley's Margot. There is one situation in the piece that lives especially in my memory. Robin finds out that he is the servant of a band of robbers, that they have been committing no end of murders, and that the bodies of the victims have been buried in the wood-house. He comes and relates the discovery to his wife, and tells her how, on going into the wood-house to get some wood, "I saw his heels, Margot, I saw his heels." Then, again, I well remember how, in describing a conversation he had had with his master, the captain of the band, he states what his

feelings were when the robber patted him on the head, with the words: "Robin, Robin, how plump you are!"

The humorous predominated in Keeley, and he was particularly strong as the comic servant. In this personification he made no pretence to virtue, and yet, even in his moments of abject terror, he was never quite despicable. Somehow or other he contrived to make you feel that courage ought not to be expected of him.

Mrs. Keeley was more versatile than her husband. She was especially good in pathetic parts. I never saw her Jack Sheppard, but I believe it was a marvel. Her Lucille, in the play of that name, taken from Bulwer's "Pilgrims of the Rhine," was a perfect gem; and who, on the other hand, does not remember her Betsy Baker, and her acting in *Twice Killed*, *That Blessed Baby*, etc.?

How well I remember the dramas played at the Adelphi in my early days! What dramas they were! The hero was taken by Benjamin Webster, the finest melodramatic actor I ever saw, not even excepting Lemaitre. He was magnificent in *The Willow Copse*, *Jannet Pride* (in which Keeley also was immense), and *Geneviève; or the Chevalier de Maison Rouge*, which I saw with a remarkable cast: Webster was Dixmer; Alfred Wigan, Lorin; Leigh Murray, the Chevalier; Mrs. Keeley, the flower girl of the Temple; and Céleste, the heroine. Then again, after the Keeleys had left the Adelphi, among the pieces given were *The Green Bushes* and *The Flowers of the Forest*, in both of which it was my privilege to see Wright and Paul Bedford in their inimitable rôles.

Keeley was quite as funny off the stage as he was on; indeed, I always thought that, if possible, he was even more so He delighted in telling a story, and the expression of his face always made you roar with laughter before he began.

We became great friends with Edmund Yates and his beautiful wife, Shirley Brooks, Dickens, Planché, Albert Smith (who married my only sister-in-law, Mary), Charles Mathews, and Frank Talfourd, not to forget "Old Frankie" and Mrs. Frank Matthews, whose hospitable house in Linden Grove was always crowded with friends.

Mr. Keeley was very fond of telling stories of his wife, to whom he was most devotedly attached, and I remember one of them that caused a good deal of merriment as related. Shirley Brooks, it appeared, had gone to live in a little cottage in the country, where he devoted himself, among other things, to the rearing of fowls, ducks, and pigs. One day a pig was

killed, and he sent a portion of the animal in a parcel to Mrs. Keeley, with these lines: "His end was peace, so I send you a piece of his end." Roaring with laughter, the old gentleman would say, alluding to his wife: "Mother was telling the story the other day to somebody sitting next to her at dinner, and she remarked, 'So clever of Shirley, you know; when he sent us the parcel he wrote on a piece of paper inside, "His end was peace, so I send you a bit of the pig."'"

This is another story Mr. Keeley was never tired of telling. In his early married life, he, Jack Reeve, Frank Matthews, and some others were in the habit of repairing to Kilpack's, a cigar shop and bowling alley, next door to Evans's in Covent Garden. Upstairs was a small sort of club, and, going there on Saturday night to play unlimited loo, they would sometimes remain until five or six o'clock on Sunday morning. On one occasion, it appeared, on going home to his lodging in Long Acre, at some such unseasonable hour as this, Mr. Keeley found his better half fast asleep. It happened that he was carrying in his pocket a bundle of notes, representing his and his wife's salary, which had been paid that afternoon, and he proceeded to carefully deposit them all in one of his boots, afterwards creeping noiselessly into bed. In the morning, Mrs. Keeley, as was her custom, rose early and without disturbing her husband.

Frank Matthews was in the habit of calling every Sunday morning to go with Mr. Keeley for a walk over Hampstead, or in the neighbourhood of Putney, or elsewhere. On this particular Sunday, on his arrival he found "Mary Mother," as he called her, in the sitting-room, in tears. Upon his asking, "Where is Bob?" she replied: "Where should he be but fast asleep in bed? Nice hours to keep—five o'clock in the morning indeed! You ought to be ashamed of yourself, Frank, for I'm sure you were with him. What's worse, on looking in his pocket, I find that he's lost all our money." "But, my dear," said Frank, "that's impossible. I was with him all the time, and he couldn't possibly have lost it. Why, I walked with him as far as the door, too, so you must be making a mistake." "No, no," she sobbed, "I'm not making a mistake. All my hard-earned money is gone—there's not a shilling left."

Frank went into the next room to see if his friend was awake, and to learn whether the facts were as stated. He found Keeley sitting up in bed, screaming with laughter. "Shut the door, Frank, shut the door," he cried; and when this had been done, he said, with that extraordinary twinkle that so often appeared in his eye: "She thought I was asleep.

First, she searched my waistcoat, then my trousers, and then my coat, but found nothing. It's all right, Frank, the money's in my boots."

Mr. and Mrs. Alfred Wigan were great friends of the Keeleys. Mrs. Wigan's Christian name was Leonora, and she had acted with Mrs. Keeley and been a friend of hers before their marriages. One day while we were sitting at dinner in Pelham Crescent, somebody remarked that Mrs. Wigan was eating nothing, whereupon she replied: "Oh, I never have much of an appetite, have I, Bob? Don't you remember when you used to put a pea upon my plate, and say, 'There, that's Leonora's dinner'?" I shall never forget the old gentleman turning round to me and quietly saying: "Upon my soul, I never put a pea upon her plate." It was not that there was anything in what he said; the humour lay in the indescribable manner in which he said it.

When I was a student at the Temple, a dinner-party was given, I believe in my interest, to people connected with the legal professions. Among those present was a solicitor of Eastern origin, and Mrs. Keeley, knowing her husband's antipathy to Jews, warned him to be careful what he said before his guest, adding: "You know it would never do to offend him; he may be so useful to Montagu." The dinner went off all right, and afterwards a rubber of whist was suggested. This was Mr. Keeley's favourite amusement, and he used to play almost every afternoon at the Garrick, of which club he was an old and much esteemed member. We cut for partners, it falling to my lot to play with Joe Langford, while Keeley was paired with the Eastern gentleman. In the middle of the game, while the cards were being dealt, Keeley's partner remarked to him:

"Mr. Keeley, I have always been against the intermarriages of Jews and Christians. You know, there are so few of the one in comparison with the other, and if these marriages took place to any extent, the whole Hebrew race would be merged, and there would be no Jews."

To which Mr. Keeley, who hated conversation during whist, retorted angrily:

"And a d—— good job, too."

I shall never forget the missis's face!

Not many months before his death, Keeley was playing whist at the Garrick, his partner being Henry James, now Sir Henry. When the rubber was over, after a moment's thought, he turned to James and asked:

"Why didn't you lead spades?"

The answer was:

"I didn't think it the game."

"Well, then, you're a fool," said Keeley, and petulantly shuffled out of the room.

Of course we were all rather astonished; but nobody ever took much notice of what he said, and the matter passed off with a laugh. A few days afterwards, as James was passing up the staircase at the Garrick, on his way to the card-room, Keeley's four-wheeled cab drew up at the door, and the old gentleman alighted. Catching sight of the receding figure of the future Attorney-General, he rattled with his stick upon the tesselated pavement, and cried out "Hi!"

James, seeing who it was, at once ran back, never doubting that he was about to receive an apology for what had recently taken place.

"I have been thinking," said Keeley, with the stolid expression his face so often wore, "over that little affair about the spades, and I find that I was right—you *are* a fool."

Keeley was a man of remarkable generosity and kindness of heart, an excellent friend and the cheeriest of companions. He was very much attached to the husband of his daughter Mary, Albert Smith, who, as all that knew him can testify, was himself one of the liveliest and best of companions. Unlike Keeley, however, his jokes and stories were not untinged with acidity.

It was during the first year of my married life that I became acquainted with Mr. and Mrs. Levy. *The Daily Telegraph* was then in its infancy. The paper-duty had not been repealed, and Mr. Joseph Moses Levy, the principal proprietor of the new journal, lived at the West Central part of London, in Doughty Street, Mecklenburgh Square. Here I was ever a welcome guest, as I have since been at Russell Square and Lancaster Gate. Mr. Levy's eldest son, Edward (now Edward Lawson), under whose management the paper has been such an enormous and world-wide success, had just married Benjamin Webster's daughter, who was one of the most beautiful and accomplished women in London. My acquaintance with her dates back to some period before her marriage. I may say here, speaking of the Levys generally, that a more hospitable, pleasant, and unassuming family did not exist. They were strict Jews, and brought up their numerous family according to all the rites and ceremonies of the religion, keeping most rigidly all the Hebrew feasts and festivals

Before being called to the Bar, I had to spend three years as a student at the Inner Temple. I ate my dinners in the same mess with my old friend and school-fellow Frank Burnand, and with Henry (now Baron Henry) de Worms. The latter had been studying as a medical student, but his inclinations on the subject of a profession had undergone a change. We three attended the lectures together, and, principally owing to Frank's good stories and excruciating jokes, were on more than one occasion nearly expelled from the lecture-room.

Frank was living in Sydney Street, Brompton, and I was still at Pelham Street. With a view to making a little money during our student days, we became hangers-on to the skirts of literature. We wrote for one or two small papers, did London letters for locals, and were interested in a little venture of the magazine type, called *The Drawing-Room*.

It was at this time, too, that Frank and I became partners in dramatic authorship. One day I called at Sydney Street with a bright face. The fight between Tom Sayers and the Benicia Boy was on the *tapis* at the time, and it had given me what I conceived to be a splendid idea for a farce. I imparted the plot to Frank, and he was immensely taken with it. We set to work at once, I walking about the room, and Frank wielding the pen. It was eleven o'clock when we commenced, and by half-past three that afternoon we had finished our work. With the ink scarcely dry I ran round with the MS. to Pelham Crescent, eager to show it to my father-in-law. Having read it, he put it down with these words: "I wish I was still acting, for I should like to play it myself. You needn't have any fear of getting rid of it. Take it round to-night to Robson at the Olympic—he'll jump at it." I did as he directed.

Albert Smith used to say, and I am inclined to agree with him, that there is only one person of a lower grade than the call-boy at the theatre, and that is the author. If he is an unknown man, he has to overcome many difficulties before he can see the manager. I had forgotten to ask Mr. Keeley for a letter of introduction, which would have been safe conduct to the presence of Mr. Emden, then Robson's acting manager and partner. Robson had another partner, who occupied the supreme position, as he represented the money. This gentleman was, and is, a well-known Conservative Member of Parliament, distinguished as a connoisseur of pictures, and I happen to know that he made a very good thing out of his connection with the Olympic.

After being kept waiting for about three-quarters of an hour

in the passage leading to the green-room, I was ushered into the presence of Mr. Emden. I told him my errand, produced the MS., and mentioned what Mr. Keeley had said about it. He promised that when Robson came off the stage (he was then playing Shylock in Frank Talfourd's burlesque) they would read the farce together, and let me know their verdict at once. He then left me, but in due time reappeared, and made the welcome announcement that both he and Robson were very pleased with the farce, and that, if we could come to terms, it should be put in rehearsal at once. He added that, as they could not make me an offer before first consulting their partner, he would feel obliged if I could call again next day. I did as directed, and on the following morning was offered thirty pounds for the sole London right of the farce! Being desperately hard up and knowing that Frank was in the same plight, and being perfectly ignorant on the subject of authors' remuneration, I at once closed with the offer, and took the cheque. When I returned, Frank received his fifteen pounds with delight, but my father-in-law called me a fool for having taken so small a sum. He was right, for the farce was an enormous success and aided in keeping the theatre going for months, it being performed for something like two hundred nights. In those days, be it remembered, a farce could take a very strong hold upon the public. There was a half-price to all parts of the theatre, and the farce was often the staple commodity of the management.

Shortly after my transaction at the Olympic, Alfred Wigan took the St. James's Theatre, in partnership with Miss Herbert. Having heard of the success of our farce, he sent for me, and said he had a French drama that he was desirous of adapting, and asked whether Frank and I would undertake the work. I readily assented, whereupon he produced *La Dame de St. Tropez*, saying that he wished the adaptation to be ready in a fortnight, and promising, upon its production, supposing he were satisfied with our work, to hand us a cheque for one hundred pounds. I agreed to the terms, the work was done, and the play was produced. It proved very successful, and had what in those days was a very long run. From that time Frank and I devoted ourselves to dramatic authorship, and we managed to get several little pieces—produced either in collaboration or otherwise—placed at various London theatres

CHAPTER VI.

CEDUNT ARMA TOGÆ.

Serjeant Parry's advice—I enter Mr. Holl's chambers—Attending the Sessions—The resolution I come to—I am called to the Bar—My first brief—Pleasure gives way to fright—I lose the case—My despair—Hardinge-Giffard, Sleigh, Metcalfe, Ballantine, and others—Messrs. Lewis and Lewis—Bob Ouldge's bet—An exception to the general rule.

As soon as I had resolved to read for the Bar, I, by the desire of my father-in-law, visited his old friend Serjeant Parry, to learn what steps I should take, preparatory to being called, to ground myself in the rudiments of my future profession. The first thing he did was to write out a list of law books for me to read. This list, I may remark in passing, was so lengthy, that, had I attempted to exhaust it, the task would probably have occupied me to the present day Indeed, I think I may say, basing the statement on my long subsequent acquaintance with the Serjeant, that it is more than doubtful whether he himself ever read all the books that he thus brought under my notice.

Serjeant Parry's next recommendation was a more practical one. It was that I should enter the chambers of some barrister who was a good pleader, and in large junior civil business. He suggested two suitable persons, Mr. Holl and Mr. Macnamara, who jointly occupied the ground floor of No. 5, Paper Buildings, and to each of whom he gave me a letter of introduction. I first saw Mr. Macnamara. Being full of pupils, he referred me to Mr. Holl, kindly stating, however, that I might have the run of his chambers. Macnamara, who was the brother of the celebrated Mrs. Nesbit, afterwards became a Railway Commissioner, and has since died. I arranged to become the pupil of Mr. Holl for twelve months, giving him an honorarium of one hundred guineas, to obtain which sum I had to pinch myself not a little.

There was a vacant room on the basement when I joined Holl's chambers, and this was subsequently occupied by Mr. Butterworth, one of the ablest pleaders of the day, and, after Chitty and Bullen, I suppose one of the most successful.

There was plenty to engage the attention of a student, if he were only industrious. For my part, I was resolved that my hundred guineas should not be thrown away; and I believe

I may say that I was always the first to arrive at the chambers in the morning, and the last to go away at night.

My inclinations had always been towards criminal work; and when I grew tired of poring over pleas and dry opinions, it was my invariable custom, when the Sessions were on, to repair to the Central Criminal Court—otherwise known as the Old Bailey—where I sat listening intently to the trials. I resolved at the time that, when I was called to the Bar, I would devote myself in a great measure, if not exclusively, to criminal business. I used occasionally to drop in at the Middlesex Sessions, where I found many of the barristers to whom I listened at the Old Bailey. Mr. (afterwards Sir) William Bodkin was the presiding Judge at the Sessions House; the Deputy-Assistant Judge, who sat in the Second Court, being Mr. Tom Pain.

The time of my apprenticeship being up, I was duly called to the Bar. Frank Burnand preceded me by three months, and was attending at the Old Bailey when I joined it. I don't think he remained there more than a year, however. After mature deliberation, he resolved to leave the law, and devote himself entirely to literature.

I was called on the 30th day of April, 1862, and at once commenced to attend the Central and other Criminal Courts of the metropolis. Holl, with whom I had remained up to the time of my call, kindly permitted me to continue in his chambers until I should feel my feet.

For one or two Sessions, I hung about the Courts doing nothing, waiting for that knock and inquiry at the chambers' door for which so many have, with aching hearts, waited for years, and, alas! waited in vain.

It so happened, about three months after I became a barrister, that Charles Voules (who, as I have already mentioned, was a solicitor at Windsor) had a prosecution against a man for stealing a horse in the neighbourhood of Staines—a district that lay within the jurisdiction of the Central Criminal Court. Feeling a friendly interest in me as an old Etonian, and being anxious to give me my first brief, he placed this prosecution in my hands.

How proud and delighted I felt at first! But when the Sessions came on, and the day of trial arrived—after I had carefully scored under each sentence of the brief, and, in fact, learnt off every word of it by heart—a kind of stage-fright seized me, and I went to everybody, begging that they would take the responsibility off my hands. Nobody would relieve

me of the brief, however, and there was I left with my bottle-imp!

In due time the prisoner entered the dock, and pleaded "Not Guilty." Then, just as the trial was about to commence, I learnt for the first time, that the prisoner was to be defended by Mr. Ribton, who, though an excellent fellow in his way, was not exactly the sort of person a youngster would like to meet as his first opponent. I shall never forget that trial. When I looked at the jury they seemed to dance before my eyes, and instead of twelve men I seemed to see about four times that number. The presiding Judge was the then Recorder of London, Mr. (afterwards the Right Hon.) Russell Gurney. I shall have a good deal to say about him before long, but suffice it for the present to remark in passing that, as my subsequent observation and experience proved, he was the very best criminal Judge that ever sat upon the bench.

The case was a weak one against the prisoner, I am bound to admit; but I think that if it had been ever so strong, I should have made a mess of it. I floundered through my opening, I called my witnesses, and Mr. Ribton proceeded to address the jury for the defence. Then the Judge summed up, and the jury, without a moment's hesitation, pronounced a verdict of "Not Guilty." In my agony, thinking that a great miscarriage of justice had taken place on account of my stupidity, I jumped up, and, Heaven knows why, exclaimed:

"My lord, what's to become of the horse?"

Looking at me somewhat severely, the Judge said:

"What is that to do with you, sir? Don't you think you've done enough?"

I'm sure he did not mean what I thought he meant; but I left the Court almost broken-hearted. Rushing home to my wife, at Gunter Grove, Fulham, where we were living at the time, I utterly collapsed, and cried out:

"My dear, I shall never go into Court again. I've mistaken my profession. I must try something else."

It was very easy to talk about trying something else, but it would have been more difficult to find something else to try; for had I not already exhausted every means of making money that suggested itself? Of course I had spoken on the spur of the moment, while suffering acute mortification; and it was not long before I found my way back to the Old Bailey.

The criminal Bar was a very close borough in those days, and work was, for the most part, in the hands of a few. These were Hardinge-Giffard (now Lord Halsbury), Mr. (afterwards

Serjeant) Sleigh, Metcalfe, Orridge, Poland, Ribton, and John Best. The solicitors principally associated with the practice were Humphreys and Morgan, Wontner and Son, and Lewis and Lewis, all of whom divided their business, generally speaking, among their own particular men. Thus Hardinge-Giffard and Poland (who afterwards succeeded Clarke and Beasley as counsel to the Treasury at the Central Criminal Court) acted for the Humphreys; Metcalfe and Orridge for the Wontners; and Serjeants Ballantine, Parry, and Sleigh for the Lewises. The last-named firm also availed themselves of the services of F. H. Lewis, while, in subsequent years, they gave a great deal of their business to me.

Sleigh was a great public man, and the delight of the publicans. Probably his licensing business was the largest ever enjoyed by any counsel.

The solicitors who did the lion's share of the work were Lewis and Lewis. Their office was in Ely Place, where Mr. George Lewis, the sole survivor of the firm, carries on his business to this day.

The character of the place has greatly changed. It used to be a very dirty, dull, and depressing place, where only a few clerks were to be seen. I remember when the firm were acting for *The Daily Telegraph*, hearing poor Lionel Lawson describe a visit he paid there.

"I was shown into a back room," he said, "where I was kept waiting for about half an hour. It was for all the world like a prison cell, and when I had been there ten minutes, I felt convinced that I was a felon of some description, and before I left I was perfectly certain that I had committed every crime known to the criminal law"

Little James Lewis, the head of the firm, was a very sharp-looking fellow. He attended principally to the criminal classes indoors. George Lewis, who was a very smart young man, and a most successful cross-examiner, did the principal business at the Police Courts. Old "Uncle George," the brother of the senior partner, looked after the insolvency, bankruptcy, dramatic, and civil business, in a room at the top of the house. In those days, there was an enormous quantity of insolvency and bankruptcy cases, and I should be sorry to say how many impecunious upper and middle class men were duly whitewashed through the intervention of "Uncle George." His counsel in this work was usually Mr. (afterwards Serjeant) Sargood. "Uncle George" was solicitor to the Dramatic Authors' Society, and nearly all the dramatic business of

London was in his hands. Kind-hearted and generous, no one, however poor, ever applied to him for advice in vain.

James Lewis lived in Euston Square, and "Uncle George" in Woburn Place. Though they were daily brought into contact with the black side of human nature, I never met two more pleasant and simple-minded men. In later years, I always dined at the old gentleman's house on his birthday, and enjoyed the privilege of proposing his health. He was one of my best friends, and to him I owe a great deal of whatever success I have attained.

So far as I have observed, adversity is a remarkably easy thing to bear, and prosperity about as difficult. Very few of those I have known have been improved by the latter; but I am about to draw attention to a noticeable exception to the rule in the person of the present Lord Chancellor, Lord Halsbury

At the time I commenced to practise, I remember Bob Orridge making a bet with Metcalfe, I think for ten pounds, that, within twelve years, Hardinge-Giffard—then one of our leaders at the Central Criminal Court and the Middlesex Sessions—would become Attorney-General, and that, before he ended his career, he would become Lord Chancellor. Both those anticipations have been fulfilled, though poor Bob did not live to reap the fruits of his prophecy. Hardinge-Giffard became Solicitor-General, then Attorney-General, and he is now Lord High Chancellor, keeper of the Queen's conscience. Lord Halsbury by rank, he is still Hardinge-Giffard by nature, and this consideration will encourage me, by-and-by, to relate certain anecdotes of him dating from the time when we fought together in the arena of criminal practice, he on the side of the Crown, and I, acting as a free lance, for the defence.

CHAPTER VII.

RARO ANTECEDENTEM SCELESTUM
DESERUIT PEDE POENA CLAUDO.

The extent of my practice—The case of Catherine Wilson—A description of her crimes—Our defence—What the Judge said—Statement by the Lincoln police officer—The verdict—The accused rearrested—A fresh trial—Bodies of the victims exhumed—Some pointed observations from the bench—"Guilty"—Mr. Justice Byles—His lordship's comments in private—Anecdote of Mr. F.—Mr. Arthur Collins and the point that was overlooked—A painful case—The subscription we started—My first introduction to Messrs. Lewis and Lewis—Reminiscences of Ballantine—An embarrassing position—Ribton's verbosity—I act as Ballantine's junior in a gross case of fraud—His advice about fees—The little Jewish solicitor.

I THINK I may safely say that I have defended more prisoners than any other living man. My practice extended from 1862 to 1886.

One of the first important cases with which I was associated was that of Catherine Wilson. She was charged before Baron Bramwell with administering one ounce of sulphuric acid to Sarah Carnell, with intent to murder her. She was defended by Mr. Oppenheim and myself, though, as my leader was engaged in another Court during the trial, the work really devolved solely upon me. Ribton appeared for the prosecution.

The prisoner was a nurse, and in that capacity had attended the prosecutrix. One day, she had volunteered to fetch some medicine for the invalid, who was in bed, and after an absence of about twenty minutes had returned with something that she described as a soothing draught. The unfortunate woman, in her evidence, said she saw nothing at the bottom of the glass into which the prisoner poured the liquid. While she was holding it, however, she felt it grow warm in her hand. The prisoner said:

"Drink it down, love; it will warm you."

The witness took a mouthful, but it was so hot that she at once spat it out upon the bed-clothes. Then she called her husband, and said to him:

"William, take this medicine back to the doctor. He has sent me the wrong one."

Upon looking down at the bed-clothes, the invalid saw that, where the liquid had fallen, the counterpane was full of burnt holes.

The defence was the usual one; that the doctor was out when the prisoner called, and that the lad of fifteen in temporary charge had given the wrong medicine. Baron Bramwell, in his remarkably shrewd, plain-speaking way, in summing up, pointed out that the theory of the defence was an untenable one, as, had the bottle contained the poison when the prisoner received it, it would have become red-hot or would have burst, before she arrived at the invalid's bedside. However, there is no accounting for juries; and, at the end of the Judge's summing-up, to the astonishment probably of almost everybody in Court, the foreman asked leave to retire.

It was rather late—I think about seven in the evening—when the jury left their box. As I sat in Court, waiting anxiously for the verdict, a stranger came up to me, and, placing his hand on my gown, said:

"Very ingenious, sir, but if you succeed in getting that woman off, you will do her the worst turn any one ever did her."

Considerably astonished, I turned round and closely questioned the speaker. I learnt that he was a member of the Lincoln police force, and that he had instructions, if the prisoner were acquitted, to take her into custody on seven separate charges of wilful murder. If she were convicted (when, of course, she would be sentenced to penal servitude, either for life or a considerable number of years), the authorities, it appeared, had determined to take no further action.

At about a quarter to nine the jury returned, and, upon Mr. Avory, the well-known Clerk of Arraigns, asking if they had agreed upon a verdict, the foreman pronounced one of "Not Guilty."

An expression of delight came upon the face of the woman, whose appearance, by-the-bye, was a very peculiar one, her chin being the most receding one I have ever seen. She turned round abruptly to leave the dock, but the instant her foot was on the floor of the Court, she was arrested by the officer who had recently addressed me.

On Thursday, the 25th September, in the same year—1862—Catherine Wilson was tried for the murder of Maria Soames, the case coming before Mr. Justice Byles. Messrs. Clarke and Beasley, who then represented the Treasury, appeared for the prosecution, and I appeared for the defence.

The murder was alleged to have been committed in October, 1856. It appeared that the prisoner had acted as nurse during an illness of the deceased, giving her her medi-

cine, and generally administering to her wants. In the course of the case it transpired that six or seven persons with whom the prisoner had lived as nurse, and who, strangely enough, had nearly all of them been suffering from gout, had suddenly died. As the charge had reference to the murder of a particular person, however, detailed evidence in the other cases was not admitted. The medical man, on being called, stated that he had refused a certificate in the case of Maria Soames, though, on making a *post mortem* examination, he was disposed to attribute death to natural causes. Owing to the facts that had transpired, however, he was now prepared to attribute death to an over-dose of colchicum, or some other vegetable irritant poison.

To cut a long story short, I may say that it was proved, in this and the other cases, that the prisoner had so ingratiated herself with her patients as to induce them either to leave her considerable sums of money in their wills, or to make her handsome gifts in their lifetime, and that, so soon as she had accomplished this object, she quickly despatched them.

She was anxious, it would seem, that no inquiries should be made as to the reason for the gifts and legacies.

After the first trial, the bodies of the victims were exhumed, with the result that traces of the poison were discovered. I based my defence on the supposition (then entertained in the scientific world, but since proved to be false) that it was impossible to detect the presence of vegetable poison in the blood after a short time had elapsed. On this vital point, the principal witness examined was the celebrated Dr. Alfred Swayne Taylor, Professor of Medical Jurisprudence at Guy's.

I shall never forget the Judge's summing-up, the concluding words of which were about as deadly as anything of the kind I have ever heard.

"Gentlemen, if such a state of things as this were allowed to exist," he said, "no living person could sit down to a meal in safety." This, too, when the jury were about to take their luncheon!

After due consideration a verdict of "Guilty" was returned; the other indictments were not proceeded with, and the prisoner was sentenced to death.

Mr. Justice Byles, when at the Bar, had been one of the most acute advocates of the day. He knew his juries thoroughly well, never went too far with them, and got his verdicts almost as he liked.

After the trial to which I have just referred, Mr. Justice

Byles sent to ask me to come and see him in his private room. I found him unrobing, and walking up and down like a lion in its cage. He said:

"I sent for you to tell you that you did that case remarkably well. But it was no good, the facts were too strong. I prosecuted Rush for the murder of Mr. Jermy, I defended Daniel Good, and I defended several other notable criminals when I was on the Norfolk Circuit; but, if it will be of any satisfaction to you, I may tell you that in my opinion you have to-day defended the greatest criminal that ever lived."

Many anecdotes are related of this most excellent Judge. He was once hearing a case in which a woman was charged with causing the death of her child by not giving it proper food or treating it with the necessary care. Mr. F——, of the Western Circuit, conducted the defence, and while addressing the jury said:

"Gentlemen, it appears to be impossible that the prisoner can have committed this crime. A mother guilty of such conduct to her own child! Why, it is repugnant to our better feelings;" and then, being carried away by his own eloquence, he proceeded: "Gentlemen, the beasts of the field, the birds of the air suckle their young, and——"

But at this point the learned Judge interrupted him, and said:

"Mr. F——, if you establish the latter part of your proposition, your client will be acquitted to a certainty."

On another occasion, while Mr. Justice Byles was summing-up at the Central Criminal Court, my learned friend, Arthur Collins, interposing, said:

"My lord, you have missed so-and-so" (mentioning some fact that the Judge had not put to the jury).

"Have I, Mr. Collins?" said his lordship, with a peculiar twinkle in his eye. "Well, I will put it if you like, but remember, it is a two-edged sword. *Shall* I put it, Mr. Collins?"

"Oh, no, thank you, my lord," said Collins, hurriedly, as he promptly resumed his seat.

The next case of importance in which I figured occurred in the same year. It was characterised by somewhat peculiar circumstances. I belonged to a Dining Club, the members of which used to meet at 5.30 p.m. every Saturday at the Café de l'Europe. It was called the "Caffres," and among the members were Keeley, Buckstone, Albert Smith, Benjamin Webster, and Mark Lemon. The "Caffre" chief was a gentleman named Watkins, the principal partner in the firm of Morden

and Co. A Mr. Wild was the proprietor of the café, his predecessor having been a person named H——s, who had failed. When the crash came, his two daughters—the eldest of whom, Floretta, was about nineteen, and her sister some twelve months younger—had, with a view to gain their own livelihood, gone upon the stage. Floretta had been playing somewhere in the North, and during her engagement had been seduced by the manager of the theatre, who was a married man. Abandoned and left destitute, she had come up to London and taken refuge in a garret in Soho, where the child was born. Its dead body was subsequently found under somewhat peculiar circumstances, and the unfortunate woman was arrested and charged with the murder. The matter got into the newspapers, and was discussed by us at one of the club dinners. We had all known the girl, and had always found her most quiet, well-behaved, and lady-like. We were very sorry that this trouble had fallen upon her, and, with a view to have her properly defended, we started a subscription list on her behalf, and raised a considerable sum of money. Watkins asked me to mention the name of a good criminal lawyer with whom to entrust the girl's defence. I referred him to Mr. James Lewis, for it was my honest opinion that he would be the best man for the work; and this, I may mention in passing, was practically my first introduction to the firm.

Watkins went to Ely Place, saw Mr. Lewis, and suggested that I should conduct the defence. The reply was: "You will really be doing him a bad turn by putting the matter in his hands. You see, he has not long been at the Bar, and this is a case that requires a good deal of experience and very delicate handling. If, as you seem to suggest, there is no absolute lack of means, I should advise you to have Serjeant Ballantine. I will see Mr. Montagu Williams and explain the matter to him, and I am quite sure that, when I do so, he will see it in the same light as I do. He shall be junior."

Mr. Lewis saw me, as arranged, and as I eagerly agreed to some one else bearing the burden of this exceedingly painful case, the Serjeant was duly instructed. He put in an appearance at the trial, but, as my luck would have it, in the middle of the case he was called away to Westminster, there to argue some most important matter which he could not possibly neglect.

I need hardly say that, when I came to address the jury, everything was in my favour—a weeping woman, barely twenty years of age, in the dock; the terrible story of her seduction;

the agony, physical and mental, she must have endured in her time of travail, with no living soul by to assist and comfort her. This, as will readily be understood, was material that was not very difficult to handle. Of course the principal part of my defence was an attack upon the man who had so wronged her, and I remember that in concluding my speech I quoted the following lines:

> O Heaven! that such companions thou'dst unfold,
> And put in every honest hand a whip
> To lash the rascals naked through the world.

My client was acquitted, and from that moment I think my fortune was fairly safe. This was my first real introduction to Serjeant Ballantine, and during the remainder of his career at the Bar, whenever he had a criminal case of importance, I was nearly always his junior.

The Serjeant was a very extraordinary man. He was the best cross-examiner of his kind that I have ever heard, and the quickest at swallowing facts. It was not necessary for him to read his brief; he had a marvellous faculty for picking up a case as it went along, or learning all the essentials in a hurried colloquy with his junior. There is no point that the Serjeant might not have attained in his profession, had he only possessed more ballast. He was, however, utterly reckless, generous to a fault, and heedless of the future. His opinion of men could never be relied upon, for he praised or blamed them from day to day, just as they happened to please or annoy him. He often said bitter things, but never, I think, ill-naturedly. His fault was probably that he did not give himself time to think before he spoke.

Ballantine's manner of addressing a jury was somewhat drawling and hesitating. Nevertheless it was a manner that possessed a considerable charm, and he had a way of introducing jokes and anecdotes into his speech that was very effective. He was a great verdict-getter, sometimes being successful in the most desperate cases. He never funked what we lawyers call a "dead" case, and was always cheery and bright.

Between the Sessions, when there was no Police Court work to do, I used to go down to Westminster, where I managed to get a little civil business. One day, shortly after the trial of Floretta H——s, I was in the Court of Queen's Bench, which was sitting *in banco*, and presided over by Lord Chief Justice Cockburn, assisted by Mr. Justice Wightman and Mr. Justice Crompton. Serjeant Ballantine's clerk, Worster

(who had held the appointment Heaven knows how many years), came up and asked me whether, as his chief was absent, I would watch a case that was about to be argued. He explained that, as the Serjeant's junior, J. O. Griffits, was in the building, and would shortly put in an appearance, all that it would be necessary for me to do would be to take a note of what was going on. As a matter of fact, I had never argued a case in the Civil Court *in banco* in my life, though, of course, this was no reason why I should not make myself useful in the manner suggested. To my horror, however, several other cases having broken down, ours was called on prematurely, and a considerable time before Mr. Griffits was likely to arrive. The other side had to begin, and Serjeant Parry, who was opposed to us, got up to open his speech. I rose, too, and, addressing the Bench, said: "My lords, I hope you won't take this case yet. Serjeant Ballantine is on this side, and Mr. J. O. Griffits. Neither of them is here, and I know nothing of the case, as I was not in it at the trial. I only came here to take a note."

Good-natured Justice Wightman (he was, indeed, one of the pleasantest and most kind-hearted men that ever lived), looking at me indulgently, said: "Oh, you only came here to take a note, did you?" Then he turned to Cockburn, and I overheard him say: "He's very young, and I don't think we ought to press him;" whereupon the case was adjourned, and I was released from my most embarrassing position.

On one occasion, in an action for false imprisonment, heard before Mr. Justice Wightman, Ribton was addressing the jury at great length, repeating himself constantly, and never giving the slightest sign of winding up. When he had been pounding away for several hours, the good old Judge interposed, and said: "Mr. Ribton, you've said that before." "Have I, my lord?" said Ribton; "I'm very sorry, I quite forgot it." "Don't apologise, Mr. Ribton," was the answer. "I forgive you; for it was a very long time ago."

I remember a civil action, brought upon a bill of exchange, in which I was Serjeant Ballantine's junior. We appeared for the defence, and were instructed by a little Jewish solicitor named K——h. The consultation took place at No. 1, Paper Buildings, and at its conclusion the solicitor withdrew to arrange pecuniary matters with Worster in an adjoining room. I stood, somewhat depressed, by the window, looking out into the Temple Gardens. "You seem rather out of sorts," said the Serjeant, "what's the matter?" "Well," said I, "I was

thinking what I should do if you don't turn up at this trial to-morrow. I suppose you know it's to be in the paper. It's the most fraudulent case I believe you were ever in in your life, and I'm quite sure of one thing, if I'm left to do it, I shan't escape with my wig and gown. I suppose you've a lot of special juries, and you won't attend to this. It's of no use your handing over your brief to somebody else. If anybody else undertakes it he is sure to repent and withdraw the instant he has read the brief, and I should then be left entirely alone. Sooner than this should be, I'd rather almost return the brief and the fee." "Don't dream of that," said the Serjeant, "never return anything at the Bar—I never do; and as for your not being able to do it, rubbish! you can do it right enough if I'm not there. But don't worry yourself, I'm not very busy to-morrow, and I promise you you shan't be called upon."

The next morning arrived, and the case, which was about the third on the list, was to come on in the Little Queen's Bench, a small Court at the end of the Guildhall, somewhat resembling a cucumber frame. The Judge was Mr. Justice Crompton, familiarly known as Charlie The learned Serjeant was busily engaged in the large Court opposite, presided over by Chief Baron Pollock. I sent for Worster, who informed me that my leader was just finishing his address to the jury, that he would be with me in a little while, and that in the meantime I was to go on. The pleadings having been opened, Huddleston, who was for the plaintiff, began his speech, the Jewish solicitor, sitting in the well of the Court, looking wistfully at the door for the arrival of my chief. At length the Serjeant rushed in—his wig on the back of his head, and his silk gown well down over his shoulders—and took his seat in the front row. Our opponent was, at this moment, characterising our case as the very reverse of honest, alleging fraud and every other enormity, and impressing upon the common jury (and a very common jury it was) that our client, if he made his appearance in any Court, certainly should not make that appearance in a civil one. The Serjeant was never in better form, and, during his speech, fired off a number of small jokes, much to the delight of the jury. I have noticed, indeed, that juries, in a Court of law, as also the ushers, are always convulsed with laughter on the smallest possible provocation. We were, in a word, getting on swimmingly with everybody but the Judge, who, ignoring the Serjeant's fun, was jotting down in his book some shorthand notes of what he intended

to say in his summing-up. At length the evidence and speeches came to an end, and his lordship addressed the jury. He demolished us in a very few sentences, and concluded by painting our client in even blacker colours than had been employed by the counsel for the plaintiff. When he concluded his address it did not really seem that the jury had much to consider; but, to the astonishment of everybody, the foreman asked leave for them to retire. As the usher was swearing them in, the little Jewish solicitor, with a face beaming with smiles, and with his eyes turned towards the jury-box, said:

"Serjeant, upon my soul I think we shall get a verdict."

To which the reply was:

"How, sir, do you think that I, or anybody else, can get a verdict if you flash your infernal Israelitish countenance before the jury in that way?" Not in the least abashed or offended, the little man roared with laughter and exclaimed:

"Capital, Serjeant, capital! You must have your little joke."

On another occasion Ballantine was acting in a case with the same solicitor, and it happened that one of the hostile witnesses also belonged to the Jewish race. Just as the Serjeant was about to examine him, K——h whispered in his ear:

"Ask him, as your first question, if he isn't a Jew."

"Why, but you're a Jew yourself," said Ballantine, in some surprise.

"Never mind, never mind," replied the little solicitor, eagerly. "Please do—just to prejudice the jury."

CHAPTER VIII.

NEMO ME IMPUNE LACESSIT.

Serjeant Ballantine's weekly custom—A case of fraud—What Ballantine said to the parson—Jews like the Serjeant; but the Serjeant doesn't like Jews—A remarkable piece of cross-examination—"I am his cussed old father"—Ballantine's conduct towards Clarkson—Sparring between the Serjeant and Huddleston—Miss Lydia Thompson's action against Miss Marie Wilton—The comment of a rising young barrister—I desire to join the Oxford Circuit—My father's peculiar objections—I join the Home Circuit—The giants of those days—My first Circuit town—Serjeant Shee's kindness—Mr. Russell Gurney, Sir Thomas Chambers, and Mr. Commissioner Kerr—An instance of great fairness.

At the Central Criminal Court one Monday, the Recorder took two cases in which Ballantine and I appeared—he as leader, and I as junior—and which had been held over from

the previous session. It was the Serjeant's custom, during the summer, to stay over the Sunday at the "Star and Garter," at Richmond, coming up to town by an early train on Monday morning. On this particular morning, he did not arrive in Court until the cases were about to come on. Turning to me, he said:

"For goodness' sake, my dear Montagu, while the jury is being got together and the pleas are taken, tell me something of these infernal cases. I haven't the remotest idea what they are about. I read my briefs last session; but in the interval, what with one thing and another, I have entirely forgotten all about them."

One of the two cases was a charge of fraud against the manager of a Northern bank. It had been removed from Leeds to the Central Criminal Court, under an Act of Parliament known as Palmer's Act—Palmer being the name of a man who was charged with murder, and whose trial was removed from Stafford to London. The case had created a considerable interest in the locality where the accused resided, and the Court was densely crowded, principally by gentlemen who had travelled up to town to give the prisoner a good character, among the number being (to judge by their dress) several High Church clergymen. While I was busily engaged cramming the Serjeant with the facts of the case, he gave me his undivided attention, completely ignoring everything that was going on around him. As I was pouring information as rapidly as I could into his ear, two gentlemen wearing the white ties, queerly-cut waistcoats, and long frock-coats peculiar to the clergy, came up and touched him on the arm.

"Go on," said he to me, taking no other notice of the interruption.

In a minute or two they pulled at his silk gown; but still he paid no heed to their presence. A little later—they having, it must be admitted, shown considerable patience—one of them remarked:

"I beg your pardon. Have I not the honour of addressing Serjeant Ballantine?"

The answer was: "Yes; but can't you see that I am busily engaged and cannot possibly attend to you?" and he turned to me with an impetuous gesture, and told me to proceed.

After waiting in silence for several minutes, with truly Christian resignation, the two gentlemen mildly returned to the attack

"We won't detain you a minute, Serjeant," said the spokesman; "we only want to ask one question."

"Well, sir," said Ballantine, impatiently, "and what is it?"

"We only wanted to know," the clergyman explained, "whether they are going to put our dear friend, Mr. ——" (mentioning the name of the prisoner), "into that dreadful dock?"

"Why not?" was the Serjeant's retort. "I can tell you it'll take me a d—— lot of trouble to get him out of it."

I shall never forget the horror that was depicted upon the faces of the clergymen, as, with an expressive "Oh!" they shrank back into the crowd.

As may be gathered from certain anecdotes told in the last chapter, the Serjeant had anything but a proclivity for men of Eastern origin. Nevertheless they were very fond of him, and eagerly sought his services. I was his junior in a rather remarkable case in which some Hebrews figured conspicuously. In the course of the trial a very important witness entered the box, and was duly sworn on the Old Testament with his hat on. A good deal depended on this witness, for unless we could shake his credit, it was likely to go hard with the prisoner. The Serjeant cross-examined him, but with little result, and at last, giving the matter up as a bad job, he was about to resume his seat. It happened that Ballantine had taken up his position at the extreme end of the counsel's bench, close to the gangway, and by his side stood a man whose prominent nasal organ was an eloquent testimony to his origin. As soon as this individual perceived that my leader was about to close his cross-examination, he whispered eagerly: "You are not properly instructed. You don't know the man; I know all about him. Ask him, Serjeant—ask him if he ever had a fire."

Quick as lightning Ballantine took the hint. Addressing the witness, he said: "I think that on one occasion you were unfortunate enough to have a fire?"

"Yes," said the witness.

("That's right," said my leader's prompter. "Claim against insurance—arson—Borough Road.")

"I think you lived in the Borough Road?" said the Serjeant.

"Yes," was the reply.

"Insured?"

"Yes."

"Company were wicked enough to dispute your claim?"

"Yes."

"And to insist that the fire was not quite the result of accident?"

"Yes."

"Well, to put the matter plainly, you were tried for arson?"

"Yes."

"Convicted?"

"Yes."

"Penal servitude?"

"Yes."

With a smile of triumph, and a look at the jury, Ballantine was again about to resume his seat.

("Not at all—not half," whispered the prompter. "Watch robbery—Bow Street.")

"Do you know Bow Street?" drawled the Serjeant, again addressing the unfortunate witness.

"Of course I do; of course I know Bow Street," answered the man, assuming somewhat of a less sheepish demeanour.

"I mean Bow Street Police Court," said Ballantine "ever been there?"

"Yes," was the reply.

"Another unfortunate circumstance in your somewhat varied life—watch robbery?"

"Yes."

"Unfortunate again?"

"I don't understand what you mean."

"Yes you do—convicted?"

"Yes."

Again the Serjeant was about to sit down, but the man at his elbow said:

"Stay a minute, sir, stay a minute. Fraudulent bankruptcy."

Ballantine, who thought he had extracted about enough from the witness, replied:

"Oh, that's a mere trifle."

"Never mind; ask him, Serjeant, ask him," was the retort.

The Serjeant then put the necessary question. The witness, becoming on a sudden virtuously indignant, replied:

"Never! upon my oath—never, I swear it!"

Ballantine, turning round to his prompter, said:

"What do you mean, sir, by giving me false information?"

"It's true, Serjeant, it's true," the man responded, eagerly. "I swear it, and *I* ought to know. I'm his cussed old father."

One day Ballantine told me that when he first began to practise at the Central Criminal Court, there was a good deal of competition among the counsel there. Bodkin, Alley, Phillips, and Clarkson were among the principal men there at the time. "The man I feared most," said Ballantine, "and, in fact, the man most in my line, was Clarkson, and it soon became apparent that either he or I must go to the wall. I infinitely preferred that it should be he, and so I devoted my whole life to worrying him. I drove him first to sedative pills, and finally to carbuncles—and he died."

It happened on one occasion that the Serjeant was discussing, with three or four other men, the character of a certain leader, the remarks made being not all of a complimentary nature. Somebody, interposing, said:

"Well, there's one thing, my dear Ballantine, that there's no denying—he never speaks ill of any man."

"No; of course not," was the Serjeant's rejoinder; "for he never talks of any one but himself."

In his early career, Ballantine was a great friend of Mr. (now Baron) Huddleston; but as time went on, and the two became, to a certain degree, professional rivals, the intimacy somewhat cooled. At the time when they were both in large leading business, a rather lively encounter took place between them in a case at Westminster Hall, in which they appeared as opposing counsel. Huddleston, in the course of his remarks, said:

"My learned friend, Serjeant Ballantine, while he was making his speech, reminded me of the ostrich who buried his beak in the sand and imagined that nobody could see his tail."

When it came to Ballantine's turn to reply, he, after commenting upon the merits of the case, referred to the remarks of his adversary, saying:

"My learned friend, Mr. Huddleston, has been busying himself a good deal about me, and I can't help thinking that in doing so he has wasted both time and abuse. I feel very like the bargee, who, when asked why he allowed his wife to thrash him, replied: 'It pleases she, and it don't hurt me.' My learned friend, however, on the present occasion has gone farther. He has lectured me and endeavoured to teach me what my conduct ought to be in the future. Well, I'm very much obliged to him. He has also indulged in similes. He compares me to the ostrich who hides his beak in the sand and imagines that nobody can see his tail. It does not surprise

me in the least that he should make use of that simile. I should say that he, above all men, ought to understand it, as the part he alludes to, if it were in the human frame, is the part that is most likely to catch the schoolmaster's eye."

In early life, Huddleston had been a tutor.

The Serjeant was a very great favourite with members of the theatrical profession, and, when he was in the zenith of his fame, there was scarcely ever a theatrical case heard without his being engaged on one side or the other.

There was an action brought by Miss Lydia Thompson against Miss Marie Wilton (now Mrs. Bancroft), for breach of engagement. It was before a special jury, and the case was tried by Sir William Bovill, then Chief Justice of the Common Pleas. Huddleston and I were counsel for Miss Thompson, while Ballantine and Lumley Smith represented Marie Wilton. The Court was crowded.

Miss Thompson told her story, and it was then suggested, the plaintiff and the defendant having been intimate friends, that a compromise should be come to. To this end, Huddleston and Ballantine accordingly put their heads together, and in a little while they had agreed upon the terms of a settlement. Neither of the parties to the case had been consulted, however, and when Ballantine brought the matter under the notice of Miss Wilton, that lady exclaimed:

"Not at all; I won't compromise the matter. She" (alluding to Miss Thompson) "has had the best of it at present. She has been examined, and has told her story; but I've not played my part yet, and I insist upon doing so, and being called as a witness."

The trial proceeded, and a better witness than Miss Wilton I never heard. In the end, the verdict went against us. Upon one or two counsel expressing their surprise at the result, a rising young junior, who had been casting something very like sheep's-eyes at the defendant, observed:

"Not at all; it's not in the least surprising. It has been beauty *versus* brains, and the result is natural."

After I had been practising for a year or two, it became necessary for me to choose a circuit. I wrote a letter to my father stating that, if he had no objection, I should like to join his, the Oxford Circuit. My father had very extraordinary notions, and was no nepotist. He wrote back to say that such position as he had attained in his profession he had attained by his own merits, and he requested me to follow his example. He very much disapproved, he said, of a son

hanging on to the skirts of his father's gown, and he strongly recommended me to turn my attention elsewhere.

I joined the Home, now known as the South-Eastern Circuit, intending to change to the Oxford as soon as my father ceased to practise. There were giants in those days upon the Home Circuit, among the number being Bovill, Lush, Ballantine, Parry, Hawkins, Montagu Chambers, and last, but not least, Serjeant Shee. I am not a *laudator temporis acti*, but where could such men now be found?—and Echo answers, "Where?"

I was most fortunate on my first circuit, that is to say, at my first circuit town, Guildford. I had two briefs, both on the civil side. One was in a theatrical action, brought against Captain Horton Rhys, an amateur actor, playing under the name of Morton Price, and a man of considerable fortune. I think the cause of action was breach of engagement; but I remember that I was instructed by my old friend Mr. Hale, now a partner in the firm of Jones, Vallings, and Hale, and I also remember that my leader was Serjeant Shee. The other case had reference to the right of putting certain boats on certain waters in the neighbourhood of Guildford, and my client was an old Etonian, whose name I have had occasion more than once to mention—Mr. Voules, of Windsor. He determined to have for his case an "Eton team," as he called it, and his counsel were Mr. (now Sir Richard) Garth, late Chief Justice of Bengal, and myself. I shall never forget my consultation with dear old Serjeant Shee. I knew very little about pleadings, and matters of that kind, and so the work naturally made me feel somewhat nervous. On going upstairs to the consulting room to see Serjeant Shee, whom I already knew slightly, I had my briefs stuck under my arm, somewhat ostentatiously I am afraid. The old Serjeant patted me on the shoulder and said:

"Lots of briefs flowing in, my boy; delighted to see it."

When we had taken our seats, and the consultation had begun, he said, turning to the solicitor who instructed us:

"Winning case—pleadings all wrong. That young dog over there smelt it out long ago, as a terrier would a rat, I can see—eh, Montagu Williams? You've found it out, I can see it by your face."

Heaven knows I was as innocent of finding anything out as the man in the moon. I sniggered feebly; and then the Serjeant proceeded to put into my mouth the vital blots in the case of our adversary, which he alone had discovered.

That was the way leaders treated their juniors then. I must leave my successors at the Bar to decide whether or not things are the same now.

I have already mentioned that the principal Judge at the Central Criminal Court was the Recorder, Mr. Russell Gurney, whose successor was the Common Serjeant, Sir Thomas Chambers. The third City Judge was Mr. Commissioner Kerr. I have referred to the eminent qualities of Mr. Russell Gurney, and I may here give an example of his intense fairness. One day I appeared before him to defend a burglar, against whom there were three indictments. Poland prosecuted, and there were several previous convictions on the prisoner's record, though these could not, of course, be put in evidence against him until after conviction. It is, indeed, an illustration of the extreme fairness of the English law, that, when a man is being tried, only evidence bearing upon the particular charge is admitted, no testimony as to his character being brought before the jury, unless the issue is expressly raised by himself, or his counsel. The Recorder, at the trial to which I am referring, summed up on the merits of the case with strict fairness, though the sheet of convictions against the prisoner was lying on the desk in front of his lordship; and the jury, after some consideration, brought in a verdict of "Not Guilty." The Recorder at once made the following remark to the prisoner:

"You are a very fortunate man. I know all about you—you have been convicted for burglary four times before."

"My lord," I exclaimed, as soon as I could make myself heard, "you forget there are two other indictments against the prisoner! You have acquainted the jury with his antecedents. How can he be fairly tried now?"

The Recorder was horrified, and exclaimed:

"Good gracious! What have I done? I had quite forgotten the other indictments."

"Well, my lord," I said, "it isn't fair to try the prisoner on them now."

"You are quite right," was the reply. "The only thing I can suggest is that the trial should be postponed until the next Session."

"But, my lord," said I, "the jurymen in waiting have heard all this. Then there are the newspapers; how are we to keep the matter out of them? In these days of penny papers, who is without his *Telegraph* or *Standard*? It's impossible, in my judgment, that the prisoner can now have a fair trial."

"I quite agree with you," the Recorder replied; "I see it all now." Then, turning to Poland, he added: "Mr. Poland, it has been all my fault; but I don't think you ought to go on with the other charges;" and, in the end, a verdict of acquittal was taken upon all three indictments.

The Common Serjeant, commonly known as Tom Chambers, is also, as Recorder, an excellent criminal Judge. His quiet, coaxing way has a wonderful effect upon juries, and he can generally control their verdicts. In the latter years of my professional career, that is to say, in its most laborious stage (and laborious it was indeed), what should I have done without the present Recorder? He is the kindest of friends to all who practise before him. To those whose good fortune makes them stagger daily under the pressure of work, he is always considerate and obliging. I don't know for the moment how many years he has been on the City Bench, but he is to-day as good a Judge as ever he was, and I am sure that it is the wish of all who have ever practised before him, that he may live long to enjoy the position he so worthily occupies. Of the third Judge, Mr. Commissioner Kerr, I have little to say. He is a very sharp Scotchman, cultured, astute, and a good lawyer; but he is far too eccentric for any criticism of mine. He never had much practice at the Bar; though he edited, with considerable success, one or two of the principal law text-books. Upon one occasion a barrister asked Hawkins whether it was true that the Lord Chancellor was about to make Mr. Commissioner Kerr a Serjeant. "Impossible!" was the reply. "What Judge could call him 'brother Kerr'?"

The officers of the Court were Mr. Avory (the father of the successful young barrister, Horace Avory), Reed, Henry Avory, and the young Reeds. Mr. Avory's assistant was one who is a great friend of mine—Douglas Straight, the son of Marshall Straight, Avory's predecessor. Avory himself knew more criminal law than all the Bench of Judges put together. It was most amusing to see him when one of the Judges who came down to the Old Bailey was going a little astray in his knowledge of the law. The good-natured face of the Clerk of Arraigns might be seen nervously twitching, as, taking a huge pinch of snuff, he jumped up, statute in hand, and put his lordship right. He was a thoroughly courteous gentleman, and one of my best friends. I may add that, in my opinion, the staff of legal officers attached to the Central Criminal Court in those days was not to be matched in any other Court in the kingdom.

CHAPTER IX.

SI NON EURYALUS RUTULOS CECIDISSET IN HOSTES
HYRTACIDÆ NISO GLORIA NULLA FORET.

The Hatton Garden murder—Pelizzioni charged with the crime—Evidence of the landlord of the "Golden Anchor"—Statement of the dying man—Witnesses for the defence—Accusations against Gregorio—The question of the knife—The prisoner sentenced to death—Excitement among the Italians—A respite obtained—Interposition of Mr. Negretti—Gregorio traced—He is tried for the crime—Fresh evidence—Pelizzioni put into the box—Mr. Negretti's evidence—Gregorio found guilty of manslaughter—An unprecedented state of things—Pelizzioni tried again on a second indictment—He is acquitted and pardoned—Which one was guilty?

In the month of February, 1865, I was engaged in what I regard as one of the most remarkable cases in my career. This was the Hatton Garden murder, in connection with which there were three trials. The first of these came before Baron Martin at the Central Criminal Court, in the mayoralty of Mr. Warren Hale.

Seraphini Polioni, or Pelizzioni, as he was more commonly called, was indicted for the wilful murder of Michael Harrington. There was a second indictment against him, on which he was charged with wounding, with intent to murder, Alfred Rebbeck. Messrs. Hardinge-Giffard and Besley conducted the prosecution on behalf of the Treasury, and the prisoner was defended by Messrs. Ribton and F. H. Lewis, who were instructed by Messrs. Lewis and Lewis. There were no funds for a third counsel; but Fred Lewis, who was an intimate friend of mine, asked me to assist him, and I did so.

The murder was alleged to have taken place at the "Golden Anchor" public-house, Great Saffron Hill. The district was, and is, peopled very largely by Italians, nearly all the organ-grinders, penny-ice vendors, etc., of the metropolis residing there. The first witness for the prosecution was the landlord of the "Golden Anchor," Frederick Shaw, who deposed that on Monday evening, the 26th December, at about six o'clock, the prisoner came to his house in a very excited condition, and said: "I'll kill you, or any Englishman like you." There were several Italians in the tap-room at the time, the witness said, among the number being a man named Gregorio. The witness proceeded to say that a row took place in the tap-room, which he attempted to enter. He was

at first prevented from doing so, but he at length forced his way in. He then saw Michael Harrington being taken into the bar parlour, and he heard that the poor fellow had been stabbed. Raising Harrington's shirt, he discovered a wound, and seeing that the man was *in extremis*, he sent for a constable. Harrington was then taken to the hospital.

The next witness was Rebbeck, the potman. He said that he saw the prisoner leading the way to the tap-room, whereupon he said to him: "I don't want any row here." The prisoner then stabbed him in the right side. He saw the knife with which the wound was inflicted, but could not say what sort of a knife it was, or what sort of a blade it had. He had known the prisoner for four or five years. Pelizzioni ran at him a second time with the knife and struck him on the head. He then turned round and saw Pelizzioni on the top of Harrington. There was no other Italian at that time in the room He rushed at the prisoner to pull him off Harrington, but became insensible before he could effect his object.

A number of other witnesses were called. A man named Mellership said that he saw Harrington stabbed, that the blow was struck by the prisoner, and that no other Italian was present at the time. Other witnesses swore that, though several Italians had been previously present, the only one there when Harrington received his injury was the man who inflicted it—Pelizzioni. Some of them further stated that they assisted to remove the prisoner from the prostrate body of Harrington. A policeman named Fawel was called, and deposed to going to the "Golden Anchor," and taking the prisoner into custody. He said he found Pelizzioni in a stooping position, held down by a man named King. Fawel added that, when he arrested the prisoner, the deceased was lying in a corner of the room, and that the man he took into custody was the only Italian present.

The principal police evidence was that of Thomas Ambrose Potter, an inspector of the G division. He gave it as his testimony, *inter alia*, that he took the prisoner in a cab to St. Bartholomew's Hospital, where Harrington was under the care of Dr. Peerless. He led the prisoner to Harrington's bed, which was entirely surrounded by a number of persons. Taking hold of the dying man's hand, he said: "Do you understand what I am saying to you?" The answer was, "Yes." Potter deposed that he then said: "In consequence of what the doctor tells me, I must inform you that you have but a short time to live." Harrington rejoined: "If I am to

die, may the Lord have mercy upon me;" saying which he seemed to go off into a doze. Potter said that, with some difficulty, and with the doctor's assistance, he succeeded in rousing the dying man, whom he requested to look round and see if any one he knew were present. Harrington looked round, and, pointing to the prisoner, said: "That is the man who did it. God bless him." Potter would not be positive, on being questioned, whether the words were "God bless him," or "God forgive him." Sergeant Baldock, Potter said, was standing by at the time, writing down what was said, he himself having to hold up Harrington's head. When the prisoner was shown what had been written down, he said: "I do not understand English writing." Potter then remarked: "What Harrington has said is that you did it." The prisoner answered, "Oh!" and that was all he said.

I must here pause to point out that, up to this stage, nothing had been said about the knife with which the deed was done.

Potter was subjected to a very severe cross-examination by Mr. Ribton, but nothing of any material importance was elicited from him. The case for the Crown concluded with the evidence of Dr. Peerless, the house surgeon at St. Bartholomew's Hospital, who testified that the deceased was brought there on the night of the 26th of December, at about seven o'clock. There was, the witness said, an incised wound of about an inch and three-quarters in extent in the abdomen, and four other wounds on the body. A great deal of hemorrhage took place, and Harrington died about three o'clock on the following day. The witness said that the unfortunate man, when he made the statement to Potter, was perfectly conscious.

A number of witnesses were called for the defence. Their evidence went principally to show that, at the time the deceased was struck, a regular *mêlée* was in progress, a number of Italians armed with knives being present. Gregorio was spoken of as having struck out indiscriminately with his knife.

A witness named Angelinetta, and another named Mossi, were among those who deposed that Gregorio closely resembled the prisoner, and that, since the night in question, he had been missing.

A man named Cetti swore that, after the occurrence, Gregorio came up to him with a knife in his hand, and that he subsequently threw it into the yard of the public-house.

A boy of the name of Cowlands spoke to finding the

knife in the urinal, picking it up, and handing it to Inspector Potter.

I will here again point out that Inspector Potter, in his evidence in chief, said nothing about the finding of the knife.

After the boy's evidence, Potter was recalled. On being questioned about the knife, he produced one, and said: "This is what I received from the last witness."

Cowlands, on being recalled, swore, however, that the knife produced was not the one he had found and handed to the Inspector. "It was," he said, using a rather remarkable expression, "much looser than this."

A number of other Italians were called, though their evidence was not particularly satisfactory.

At a late hour, and after an elaborate summing-up by the Judge, the jury retired. They reappeared in a comparatively short time, and returned a verdict of "Guilty," whereupon the Judge sentenced the prisoner to death.

The verdict created a great sensation among the Italians resident in London. The Italian Ambassador and Count Maffei, the Secretary to the Legation, had interviews with the Minister at the Home Office, on the subject of Pelizzioni's fate. The papers also took the matter up, especially *The Daily Telegraph*, in the columns of which it was argued at great length that, in view of the evidence of the Italians, it would be unsafe to take the man's life. It was stated that Gregorio could be traced, but that time was necessary for the purpose. This argument had its effect, and, just before the day appointed for Pelizzioni's execution, he was respited.

Mr. Negretti, the senior partner in the firm of Negretti and Zambra, the opticians of Holborn Viaduct, was mainly instrumental in tracing Gregorio. He, indeed, strained every nerve to save his countryman's life.

In a few days it was reported that Gregorio Mogni had been arrested at Birmingham. He had, it was stated, made certain confessions to an Italian priest there, in consequence of which Mr. Negretti had been communicated with, and had at once proceeded to the Midland metropolis with some officers from Bow Street. Gregorio was then arrested.

It was stated that Gregorio had dealt the fatal blow, but that, as he did so in a general *mêlée*, his offence was not murder, but merely manslaughter.

On Thursday, March 2nd, that is to say, exactly one month and a day from the date of Pelizzioni's trial, Gregorio Mogni was placed in the dock on the charge of feloniously killing

and slaying Michael Harrington. The case came before Mr. Justice Byles and a jury composed of six foreigners and six Englishmen. Mr. Serjeant Ballantine, Mr. F. H. Lewis, and Mr. Oppenheim conducted the prosecution. The prisoner had no counsel of his own, and refused to plead. A plea of "Not Guilty" was entered for him, and, at the learned Judge's request, I consented to defend him. All the materials I had were a report of the Pelizzioni trial, which my clerk cut out of *The Daily Telegraph*, and a copy of the depositions taken before the magistrate at Bow Street.

A good deal of the evidence given at the previous trial was gone over afresh. Mrs. Shaw, however, the landlady of the "Golden Anchor," who had not been called at the first trial, was now put into the box. She swore that her husband, who, it was admitted, had been struck by somebody before Harrington received the fatal blow, had been struck by Gregorio. She also swore that, as Harrington was entering the tap-room, she saw him seized by Gregorio. The latter raised his hand as if to strike his captive, who was, however, by some means or other taken away. She saw no more of Gregorio, and did not see Harrington stabbed. In conclusion, she said that she was present at the first trial, though she had not been called as a witness.

Giovanni Mogni was then called. He said that on the night in question his brother Gregorio was set upon by Harrington and a party of Englishmen, whereupon, appealing for help, he exclaimed: "Brother, they kill me!" The prisoner, the witness said, then drew his knife and struck out right and left with it. Giovanni deposed that he saw Harrington in the room, though he could not say who stabbed him.

Serjeant Ballantine produced a knife which the witness swore was that which had been used by his brother. On being cross-examined, he said that he left London after the occurrence because he was frightened.

A man named Pietro Maraggi also spoke to seeing the prisoner with a knife in his hand. The witness said to him: "Gregorio, for God's sake put away that knife." Gregorio replied that if he did so they would not get out of that room alive. A quarter of an hour afterwards, when in Cross Street, the witness met the prisoner, who said: "My dear Maraggi, what have I done?" He replied: "You used a knife." The prisoner then said: "Yes, I stabbed three or four. Good-bye. I'm going home. Good night."

A number of other witnesses were called, and ar ong them

Giovanni Schiena, who said that he lived in Birmingham, where he met the prisoner after the Pelizzioni trial. The prisoner told him that he had left London because he was in disgrace. He explained that he was in the row that took place at the "Golden Anchor," and that it was he who killed Harrington. In cross-examination by me the witness altered his statement. He now said that the words used by the prisoner were: "I have been in a row, and I stabbed several, and one is dead. I do not know about the others—whether they are well or not." The witness concluded his evidence by saying that he did not mention what had taken place until the following Saturday.

It was now that the great sensation of the trial occurred. Pelizzioni himself was called and examined by Mr. Serjeant Ballantine. I will give his statement practically *verbatim*. He said:

"I am now in Newgate, under sentence of death. I understand English a little. I have been in this country about ten or eleven years. I know the 'Golden Anchor' public-house on Saffron Hill. I was there on the night of the 26th of December. I was not there when the row began. I was in a public-house we called Bordessa's. I was talking there with some Italians, and one of the Italians came and said that there was a row down at the 'Anchor' along with the English and the Italians. Then he said: 'Your two cousins are down there along with the row.' I then went down. I thought to make it quiet and see my two cousins, Gregorio and Giovanni, and take them away. Directly I went into the tap-room I heard a woman scream. She was the landlady of the house. When she saw me she called me by name. 'Seraphini,' she said, 'my God! Don't let them make no row.' I said, 'No, Eliza. Tell your husband to keep the English people on one side. I shall try to take the Italians the other way.' I left her there in the tap-room in a small corner going through the bar, and I went into the bagatelle-room where I thought the row was. Directly I opened the door of the bagatelle-room just enough to come in, I had a knock on my head, and it knocked me down right on the floor. When half of my body was inside and half outside the door, some one caught hold of my arm and dragged me inside the bagatelle-room. Thus I was kept down there till a policeman came. When the policeman came, somebody said to him: 'I give you in charge of this man.' I said: 'Who gives me in charge?' There was a woman there, and she said: 'I will give you in charge, because

you gave me a knock in my mouth and knocked me down with your fist.' I had no knife in my possession at that time. A small knife was taken from me with a white handle. It was taken from me at the Police Court from my right trouser pocket." Looking at a black knife produced by Serjeant Ballantine, he added, "This is not it."

The witness was cross-examined by me, and I put the following question to him: "Do you know a police-constable of the name of Baldock?"

The answer was, "No"; but upon Baldock being called into Court, the witness said: "I know that man by sight, but I don't know his name. When I was taken to the station-house," he continued, "I don't know whether I was charged with stabbing a man named Rebbeck. The woman said she would give me in charge for knocking her down by my fist. I don't know whether I was charged with stabbing Rebbeck—I can't say. I know that something was said to me that night, but I couldn't hear anything because my head pained me so much. I know the constable read a paper to me, but I couldn't understand. He asked me if I understood English, and I said, 'a little.' He examined my hands, on which there was blood, and he asked me where it came from. I did not say to him 'I only protected myself.' I said I had the blood from my head. I said I put my hands up to feel my head. I didn't make any further statements by the bedside of the dead man, as alleged by the police. I didn't understand what the dead man said."

Mr. Negretti was the last witness called by the prosecution, and he stated that he was a partner in the firm of Negretti and Zambra, of Holborn; that he was an Italian; and that he had resided in this country for thirty-five years. He said that five or six days after the trial of Pelizzioni he received from Birmingham a paper that was sent by Giovanni Mogni. It arrived twenty minutes before the time at which the express train to Birmingham was due to start; nevertheless he succeeded in catching that train. Arriving at Birmingham, he sought out Gregorio and found him in a carpenter's workshop. The witness said that the first thing he did on seeing Gregorio was to put up his finger and say, "You rascal! Is it possible you can't get into a fight without using a knife!" Gregorio, the witness said, seemed rather staggered at this, and replied: "Mr. Negretti, you would have done the same if you had been in my place." The witness asked: "Do you know that your cousin is going to be hanged?" The answer was "No"

The witness then said: "Yes, he is;" whereupon Gregorio exclaimed: "Is there no means to save him?" The witness said: "Only by giving yourself up to justice." Gregorio reflected a little, seemed confused, and then said: "Mr. Negretti, I am ready." He at once took down his coat from a peg in the workshop, and added: "Mr. Negretti, my cousin shan't be hanged for me." The witness went on to say, that he and Gregorio afterwards proceeded to the station. On the way thither, the latter said: "I wish to tell you the whole truth. On the night of the murder, I had been drinking a good deal of rum. We Italians were all treating each other, till I was the worse for liquor. Then there was a fight between the English and Italians. I went to my brother Giovanni's assistance. The fight took place in the bagatelle-room, and at the time, my cousin Pelizzioni was not there." The witness said that, when they were in the train, he asked Gregorio to go at once to Newgate, and tell his cousin that he had come to deliver himself up.

In cross-examination by me, Mr. Negretti stated that he was supplying the means for conducting the present prosecution. He also stated that Gregorio had in his possession a passport, obtained from a fellow countryman.

Having addressed the jury for the defence, I called all the English witnesses who had appeared in the first trial, their evidence being for the most part a repetition of that which they had previously given. Baldock stated the additional facts, however, that he took the knife with the white handle from Pelizzioni; that the other knife—the one with the broken point, which had been identified as the property of Gregorio—was given to him, and that he was not present when the latter was found. On being cross-examined by Serjeant Ballantine, he stated that he received the knife with the broken point from Constable Macmann (78 G), who was not present as a witness. He further stated that he found the knife with the white handle in Pelizzioni's pocket, and that the other knife was not produced or made evidence either at the Police Court, or at the previous trial.

The jury retired to consider their verdict, and, on re-entering the box, found Gregorio guilty of manslaughter. They, however, strongly recommended him to mercy, on account of the provocation he had received. Gregorio was then sentenced to five years' penal servitude.

Here, then, was a state of things absolutely without precedent. Pelizzioni was in the condemned cell at Newgate,

under sentence of death for the murder of Michael Harrington; Gregorio Mogni was in Millbank, about to undergo five years' penal servitude for the manslaughter of the same man. The Home Secretary, for the present, positively declined to release Pelizzioni. What, then, was to be done? A solution of the enigma was at length found. There was still, on the files of the Court, the indictment against Pelizzioni for attempting to kill and murder Rebbeck. As justice was still unsatisfied on this indictment, it was resolved to try Pelizzioni afresh for the offence referred to. The matter was considered of such importance that two Judges came down to the Old Bailey to preside over the trial.

On Wednesday, April 12th, Thursday the 13th, and (Good Friday intervening) Saturday the 15th, Seraphini Pelizzioni was put upon his trial for feloniously wounding, with intent to murder, Alfred Rebbeck; the prisoner being, on a second count, further charged with the intent to do him grievous bodily harm. The Crown was represented by Mr. Hardinge-Giffard, Q.C. (he had just taken silk), and Mr. Besley, while Mr. Serjeant Ballantine, Mr. Ribton, and Mr. F. H. Lewis appeared for the prisoner.

I do not propose to go at any length through the evidence. Again Rebbeck was called as a witness for the prosecution. He swore that the prisoner was the man who stabbed him, and he also deposed that when he was taken to the hospital, Mr. Hill, the surgeon, told him to speak the truth as he was dying. He looked up, and, seeing the prisoner standing by his bedside, said: "That is the man that did it." He deposed that the prisoner held his head back, but made no reply. The witness said that he had been in the hospital about two months, and that he had known the prisoner before the occurrence at the "Golden Anchor."

Rebbeck was severely cross-examined by Ballantine, but adhered to his statement that it was Pelizzioni who had struck him.

A man named Bannister, who had also been stabbed upon the night in question, was now put into the witness-box. He swore, among other things, that he did not know who it was that stabbed him, and that Pelizzioni was the only Italian in the room when Rebbeck and Harrington were wounded.

Fawel, the policeman, was called, and gave evidence with reference to the knife. He said: "I think it was on the following night that I saw the knife given to Mr. Potter by the potman at Bordessa's, which is close to the 'Golden Anchor,'

I was alongside Mr. Potter when I saw the knife. I don't know whether it is here now; I fancy" (looking at a knife that was handed to him) "that is the one. I believe Mr. Potter kept possession of the knife after he received it from the potman."

John Macmann (73 G) was then called. He stated that he received the knife from a boy, who pointed out the spot on which he had found it. The witness added that he placed a stone to mark the spot indicated by the boy. He further stated that when he received the knife it had a quantity of blood upon it, the stains that remained not representing the whole of the amount. He deposed that he gave the knife to Sergeant Baldock, who handed it to Mr. Potter.

The next witness was Inspector Potter, who adhered to his former statement as to what took place at Harrington's bedside. He said that he received the knife from one of the officers—it might have been Baldock. When under cross-examination by the Serjeant—and it was one of the best pieces of cross-examination I ever heard in my life—he admitted that the knife was in Court, though not alluded to, during the first trial, and that subsequently, at the Police Court, he heard for the first time that it belonged to Gregorio.

It was during this cross-examination that a rather funny incident occurred. Ballantine had been bearing somewhat heavily upon the witness—as to his experience, as to the non-production of the knife, and so forth—and one of the questions he asked was: "Mr. Potter, when were you made Inspector?"

Instantly the policeman replied: "On the same day, sir, that you were made Serjeant."

In the end, after a most exhaustive trial, Pelizzioni was acquitted on this indictment. A few days afterwards he received Her Majesty's most gracious pardon for the murder of Michael Harrington, and was released.

I have given somewhat copious details of these three trials for this reason: the case was perhaps the most remarkable one that I ever took part in. I have never been able to make up my mind as to the truth of the matter. Did Gregorio sacrifice himself for his cousin and friend? Of course it is obvious that in the one case there was the certainty that life would be sacrificed, whereas, in the other, all that could take place would be that the liberty of the subject would be temporarily suspended. Certainly, according to the testimony of Mr. Negretti, like Nisus of old, Gregorio practically exclaimed: "Me me adsum qui feci in me convertite ferrum."

CHAPTER X.

SI JUDICAS COGNOSCE.

A case of sheep-stealing—The *alibi* I set up—It is pooh-poohed from the Bench—A verdict of "Guilty"—What took place twelve months later—"You condemned an innocent man"—The Drovers' Association take the matter up—Her Majesty's "pardon"—The prison doors release a maniac—Anticipatory mourning: Hawkins' little joke—"A fly-blow in the ocean."

IT was about this time that I figured in another trial of a remarkable character. A man, whose name for the moment I forget, was charged at the Middlesex Sessions, before Sir William Bodkin, with sheep-stealing. Mr. Metcalfe prosecuted, and I defended.

The evidence against the prisoner depended entirely upon the question of identity. Two policemen declared that one morning, just as daylight was breaking, they met the prisoner, in the neighbourhood of Hornsey, driving a flock of sheep in the direction of the Cattle Market. The prisoner, it was alleged, stopped one of the constables, and asked for a light for his pipe, which was given him. Both witnesses positively swore that the prisoner was the man. They had, in fact, picked him out at the station, from a number of other persons; and there was no shaking their evidence.

A publican from the Meat Market was also called, and he swore that the prisoner was the man who drove the sheep into his yard to be slaughtered. The butcher who bought the carcases was also called, and he declared on oath that the prisoner was the man who sold them to him.

The accused strongly protested his innocence. My instructions were to call witnesses who would prove a conclusive *alibi*. These witnesses were the prisoner's father, mother, and sisters. He was a married man; but, of course, it was not competent for him to call his wife as a witness on his behalf. The law which prohibits this course of action will probably soon be altered, and, in my humble opinion, the sooner the better.

The family all lived together in three little rooms. A plan of the house was produced—a rough plan, such as alone would be within the means of a poor man—and from this plan it appeared that the sisters occupied a room approached from the passage, and that the prisoner and his wife occupied a

room that had only one door, which opened into the third room—the one occupied by the father and mother. As I have said, the various members of the prisoner's family, except his wife, were put into the box. They all swore that at about eleven o'clock p.m., the prisoner and his wife retired to bed, that the former got up between six and seven on the following morning, and that he had not stirred from his room in the interval Had he done so, it was pointed out, he must have passed through the room occupied by his father and mother, who would assuredly have heard him; and they both swore positively that they had not done so, that he had not passed through, and that the outer door had not been unfastened during the night.

These good folks gave their evidence most admirably, and upon their being cross-examined by opposing counsel, their statements were not shaken in the least. They appeared to be honest and respectable people, and it was manifest that they felt acutely the miserable position in which their relative was placed.

In summing up, the Assistant Judge, Sir William, pooh-poohed the *alibi*. He observed that they must all feel sorry for the witnesses. They were, however, relatives of the prisoner, and, therefore, they had the strongest inducement to shield him. His lordship also pointed out that it had transpired that the prisoner was the breadwinner of the family, whose members, he added, had thus an additional motive for stating that which was not true. He then went on to explain to the jury how easy it was to establish an *alibi*. "You have only," he said, "to state a certain number of facts which are actually true, to change the date, and there you have your *alibi*. This is how *alibis* are fabricated."

The jury returned a verdict of "Guilty," and the prisoner was sentenced to five years' penal servitude.

Twelve months elapsed, and again, in the same Court and before the same Judge, I appeared to defend a man who was charged with an offence of the same class. It was a wholesale business; the prisoner had been at it for years. He rented a cottage, attached to which were some out-houses, used by him for the slaughter of the sheep he had stolen. Some of the animals' carcases were found hanging in one of these receptacles, and close by lay a heap of the skins, with the marks of the owners branded upon them. Further than this, there was the evidence of the boots. In the mud at the place where the sheep were stolen, footprints were found, and it was seen

that there had been four nails missing from one of the boots that had made those footprints. This was the boot of the right foot, and it was discovered that four nails were also missing from the prisoner's right boot.

The case was one of those in which counsel for the defence has little to do. He can only, as Huddleston once put it, jump in and splash about. I did this; but it is scarcely necessary to mention the result. The prisoner was found guilty. The Judge asked him if he had anything to say, and, to the astonishment of everybody, he replied:

"Nothing about myself, my lord, but something about you. A year ago you condemned an innocent man, and he is at present undergoing penal servitude. Mr. Williams, my counsel, was counsel for him. It was I who stole the sheep that were driven from Hornsey to the Meat Market. I am he for whom the innocent man was identified. Look at me, sir; look at me, Mr. Williams."

I looked, and perceived that the prisoner was speaking the truth; the men were as like as two peas.

The Judge—for no Judge likes to think he has been wrong—pooh-poohed the matter; but the chairman of the Drovers' Association, on reading the report of the trial in the newspapers, took the matter up. The Drovers' Association, fortunately, is not a poor body. The case was brought before the Home Secretary, affidavits were made, proofs were exhibited, and, in the end, Her Majesty's "pardon" was granted to the man who had been wrongly condemned.

The poor fellow was liberated, in a terribly shattered state of health. What reparation could be made to him? His wife had died during his imprisonment, and the other members of the family—he no longer being present to support them—had been driven into the workhouse. These facts were brought before Parliament by one of the metropolitan Members, and the matter was discussed, with the result that it was decided to give this man, as compensation for the wrongs he had sustained, a sum of money—I forget the exact sum, but it was not a large one.

What sarcasm! The man had become hopelessly insane, and, if still alive, is an inmate of one of the metropolitan lunatic asylums.

I cannot forbear from referring to an incident that occurred in connection with the trial of Karl Kohl, early in the year 1865, for the cruel murder of Theodore Christian Führhop. The prisoner was prosecuted by the Solicitor-General, Serjeant

Ballantine, and Mr. Hannen (now President of the Divorce Court), and was defended by Mr. Best and Mr. Harry Palmer. The case may be brought home to the recollection of some of my readers when I mention that it was known as the murder of the Plaistowe Marshes.

Poor Best was always most unfortunate in his clients. He used to be the defending counsel in a great many murder cases of the poorer sort. By that I mean, cases in which there was very little money.

Just as Best was about to rise to address the jury for the prisoner, a large white envelope was handed to him by the usher. It was sealed with black sealing-wax and bound with black ribbon. Upon opening it, Best discovered that the envelope contained a black hatband and a pair of black kid gloves. These had been sent to him by Hawkins, as anticipatory mourning for his client.

I am here reminded of another anecdote about Best. He was a most extraordinary elocutionist, and was always indulging in sensational and high-flown forms of speech. On one occasion he was conducting a case of debt at Westminster before a common jury, and, addressing them, he said: "Gentlemen, your verdict is life or death to my client, the defendant. He is a poor man, and an adverse verdict will be his ruin. Consider, gentlemen, what it would be to the plaintiff. Why, it would be nothing to him. He is a man of substance and of means, and to him an adverse verdict would be only like a fly-blow in the ocean."

CHAPTER XI.

QUI DUO CORPORIBUS MENTIBUS UNUS ERANT.

The Cannon Street murder—Evidence of the cook—An important letter—Mrs. Robbins' testimony—Statement by George Terry—I call witnesses for the defence—Great conflict of evidence: the issue hopelessly confused—A verdict of "Not Guilty"—The murder remains a mystery—My friend Douglas Straight—My earliest recollection of him: how he cuffed the ears of two small boys—"The Twins"—An amusing observation that we overheard.

THE next trial of any importance in which I was concerned was that of William Smith for the murder of Sarah Milson, housekeeper to Messrs. Bevington and Sons, of No. 2, Cannon Street, City, the case being popularly known as "The Cannon Street Murder." I appeared as counsel for the accused at the

preliminary hearing before the magistrate at the Mansion House, when my client was committed for trial.

The case came on at the Central Criminal Court on the 13th and 14th of June. It was in the mayoralty of Sir Benjamin Phillips, and the Judge was Mr. Baron Bramwell. The prosecution was conducted by Messrs. Metcalfe and Douglas Straight, and the defence by Serjeant Ballantine, myself, and Mr. Littler. The case was one in which I took a very great deal of interest, because, as will be seen by-and-by, the prisoner was a native of Eton; and the *alibi* that we set up involved a question as to whether he could have got to the Slough Station in a given time from the far end of Windsor. As the reader will remember, I had lived at Windsor and Eton in my early days and therefore was very familiar with the whole locality.

It appeared that the deceased woman was a widow, and that she had been in Messrs. Bevington's employment for some years. The premises were looked after by her and a man named Kit, part of whose duty it was to lock the doors at night, when all the "hands" had left. He gave the keys to Mrs. Milson, taking care to keep the key of the safe separate from the others. The only possible access to the building at night was from Cannon Street.

The murder took place on the evening of Wednesday, the 11th of April. Kit deposed that, when he had locked up on that day, he called Mrs. Milson through the speaking tube, and, upon her coming downstairs, handed her the keys. Afterwards, having seen that the gas was alight in the lobby, he left the building, Mrs. Milson showing him out.

The next witness was the cook, who had been in the establishment about the same length of time as Mrs. Milson. On the night of the murder, she and the deceased were the only two persons in the building. In her evidence, she stated that after the place had been closed, and while Mrs. Milson was sitting in the dining-room, and she was in the bedroom, she heard a ring at the bell She was about to go down and answer it, when Mrs. Milson called out to her from the dining-room, saying:

"Elizabeth, the bell is for me; I will go down."

This was, as nearly as the witness could recollect, at about ten minutes past nine. She never saw Mrs. Milson alive again. On subsequently going down with a candle, she found the poor creature lying dead at the foot of the stairs. At once she ran to the door and, seeing a police constable, called him

in. They examined the body, and found that the head of the deceased was partially battered in, and that there was a quantity of blood upon the stairs.

This witness further deposed that on several evenings, prior to the date in question, a man had called to see the housekeeper. The witness said that she herself had never seen this man; but that on one occasion, just before his arrival, Mrs. Milson had borrowed two sovereigns from her. She lent the money, and it was afterwards repaid.

The constable who had been called in was next placed in the box, and, having given evidence as to the position in which he found the body, produced a crowbar which he had discovered lying close by, and which, though it had no stains of blood remaining upon it, was undoubtedly the instrument with which the murder was committed.

In the course of the evidence, a letter was produced which was found in one of the boxes of the deceased. It ran as follows:

"Mrs. Milson, the bearer of this, I have sent to you as my adviser. I have taken this course, as I have received so much annoyance from Mrs. Webber that I can put up with it no longer. I will propose terms to you which you may except or not at your pleasure. Failing to your agreeing to this proposal, he is instructed by me to see Mr. Bevington, and explain to him how the matter stands. You know yourself what reasons you put forth for borrowing the money—doctors' bills and physicians for your husband, which you know was not so. I shall also have him bring your sister before Mr. Bevington, if necessity, or your obstinacy, compels my adviser to go to the extreme.

"(Signed) GEORGE TERRY."

A receipt was also produced which had been found with the letter. It was in the following terms:

"Received of Mrs. Milson, £1. W. Denton, for George Terry, 20, Old Change."

It was proved in the course of the case that the prisoner had at one time lived at that address.

John Moss, a City detective, detailed the circumstances under which he apprehended the prisoner. He proceeded to Eton, it appears, with the letter and the receipt in his pocket. Calling at 6, Eton Square, he found the prisoner and his mother there.

He said to the former: "Is your name William Smith?" The reply was: "Yes." He then said: "When were you in London last?" To this the prisoner replied: "On the 10th of January, with my mother." The witness deposed that he then showed the prisoner the document signed "W. Denton, for George Terry," and asked: "Is this your handwriting?" The prisoner answered: "Yes, it is. I now know what you mean. I wrote a note for a man." The detective deposed that he then went on to say: "Were you in London last week?" to which the prisoner replied: "Let my mother answer you." The woman then said that she thought her son was not in London during the week, and upon being asked what time he came home on the night in question, she replied that she could not tell what time it was, as she was in bed when he arrived. She went on to say that he had been a great trial to her, for he never would do any work. The witness said that after being arrested, the prisoner was brought up to London, and that on the journey to town he wore a tall hat. The detective stated, however, that he found a "billycock" belonging to the prisoner in his mother's house. Smith was told that he would be charged with wilful murder, and that it was most important for him to remember where he was between seven and ten o'clock on the 11th of April. He considered awhile, and then said: "I was with a Mr. Harris;" then he added, "I first went with that letter" (alluding to the document signed "W. Denton, for George Terry"). "The latter part of last year I called there at about three o'clock in the afternoon. She (Mrs. Milson) was washing up, I believe, at the time. It was either Thursday or Friday." The detective then said: "Did you write the receipt?" To this the prisoner replied: "It is of no use denying that it is in my handwriting. It can be proved to be." On being pressed as to why he had signed "W. Denton," he said: "I have sometimes called myself by that name." The prisoner went on to say that he had called three times on Mrs. Milson, that she had paid him two sovereigns, and that he had given her a receipt each time.

John Foulger, an Inspector of the City Police at Bow Lane Station—and I may here, in parenthesis, say, one of the ablest officers of that most excellent force—deposed that on the day after the murder, a woman named Mrs. Robbins came to him and said that she could give some information respecting a man who had left Messrs. Bevington's premises on the previous evening. The Inspector then went on to explain an artifice

that was resorted to in order to see whether Mrs. Robbins would be able to identify the man in custody as the man whom she saw leave Messrs. Bevington's premises. The prisoner, without being handcuffed, and accompanied by two officers in plain clothes, was made to walk from Bow Lane to the Mansion House, Cannon Street being, of course, traversed *en route*. There was nothing to indicate that the man was in custody, as he was permitted to walk in perfect freedom. Inspector Foulger had previously told Mrs. Robbins to stand at her door for a quarter of an hour and see whether she saw any one resembling the man to whom she had referred. After the prisoner had passed by, the Inspector went to Mrs. Robbins, and, in consequence of what she told him, requested her to come to the Mansion House. A number of persons were there placed with the prisoner in a room, through which Mrs. Robbins was made to pass and repass. As she was traversing the room for the second time, she exclaimed, pointing to the prisoner: "The third man is the man that I saw."

Inspector Foulger was subjected to a long and able cross-examination by the Serjeant, who endeavoured, by his questions, to obtain an admission to the effect that the artifice resorted to afforded an indirect means of fixing Mrs. Robbins' attention upon the prisoner.

A man of the name of Betterson gave evidence, and stated that, about four or five months ago, while in the warehouse, he saw the prisoner, who asked for Mrs. Milson. Another witness was a woman who deposed that she was on friendly terms with Mrs. Milson, whom she was in the habit of visiting, and that, on the occasion of one of her visits, she had seen the prisoner at the house in Cannon Street.

Catherine Collins, who had been a servant of Mrs. Robbins during the two or three months previous to the murder, stated that she had seen the prisoner call next door on more than one occasion.

Mrs. Robbins herself was the next witness, and upon her to a very large extent the prosecution depended. She said that she was a widow, and that she acted as housekeeper at No. 1, Cannon Street, living on the premises with her servant, Catherine Collins. She stated that, on the 11th April, she went out at about ten minutes to eight, returning at about ten minutes to ten. She rang the bell, and, just as she was doing so, was very much alarmed by the violent slamming of Messrs. Bevington's door. Looking round, she saw a man leave the steps, and pass her on the right. He gave her a side look as

he passed her, with reference to which proceeding the witness used the following extraordinary expression: "His left eye and my right eye met at the same moment." The light of the hall-lamp was shining on the man's face, and he walked in a very hurried manner, leaning forward as he went. When she saw him leave Messrs. Bevington's, he was wearing dark clothes, and a tall hat.

George Terry was then put into the box, and he stated that he was at present an inmate of St. Olave's Workhouse. He had, he said, known Mrs. Milson during her husband's lifetime, when she lived next door to him. She was friendly with his wife at the time. As she was in difficulties, he got a Mrs. Webber to lend her some money—he believed as much as £35. Some time afterwards, he himself got into difficulties, and ultimately had to go into the workhouse. At the end of the previous year—1865—he was lodging in Dancer Street, near the Mint. He knew the prisoner then by sight, and that was all. They were living at the same lodging-house. He knew the prisoner by the name of Bill. One day he said to the prisoner: "There is some money owing to me," to which the prisoner replied: "I can get it." They then talked the matter over, and the prisoner promised that he would see about it. The next day they went out together, and, after the witness had bought a piece of paper, they went to the "Globe" public-house, where the prisoner wrote a letter.

The witness said he did not remember what was in the letter, which, however, he knew was addressed to Mrs. Milson. They both went out together, and he pointed out to the prisoner the establishment of Messrs. Bevington, in Cannon Street. The prisoner called there, and, when he came out, said he had been told that he could not see Mrs. Milson then, but that he must return at about three o'clock. They went away, but returned at the specified hour, when the prisoner again entered the premises alone. He reappeared in about half an hour's time, and said: "How much do you think I've got?" The witness replied, "Two pounds;" but the prisoner explained that he had only got twelve shillings. He handed over a portion of the money, remarking that Mrs. Milson had had to borrow it from the cook. The witness went on to say that he had never sent the prisoner to the house again, and was not aware that he had received two other sums of one pound each.

Henry Giles, a boat-builder, of Brockhurst Lane, Eton, gave some most important evidence. He said that, on the 11th or 12th

of April, he saw the prisoner in Bingfield's beerhouse. Addressing the prisoner, the witness said: "Will you have a game of dominoes?" To this the reply had been, "I can't, as I have forty miles to go to-night." The witness said: "You can't go forty miles to-night," to which the prisoner replied: "Yes, I can. Supposing I were to go to London and back, that would make it, wouldn't it?" The witness said: "But you are not going to London to-night," to which the reply was: "Yes, I am." The witness then said: "You're a liar!" and they parted. This, it appeared, took place at about seven o'clock in the evening. Giles deposed that at that time the prisoner was wearing a black chimney-pot hat, a black coat, and dark trousers. A witness named Blackman stated that some time after seven o'clock, on the night in question, he saw the prisoner hurrying towards Slough. A guard on the Great Western Railway deposed that on Wednesday, the 11th of April, he worked the 7.43 train from Slough to Paddington. It left Slough, he said, at the proper time, and arrived at Paddington at 8.40—the exact minute it was due. It was also proved by the guard that on the same night a train left Paddington at 10.45, and arrived at Windsor at 11.43. It was also given in evidence that anybody, under ordinary circumstances, could walk from Paddington Station to Bishop's Road Station in three minutes, and that the Metropolitan Railway trains ran every five or ten minutes from Bishop's Road to Farringdon Street and Moorgate Street stations, the time occupied on the journey being from twenty to twenty-three minutes.

This concluded the case for the prosecution. My leader made his speech, and I proceeded to call a number of witnesses for the defence.

It is clear that everything depended upon the whereabouts of the accused on the day of the murder; and it will have been seen that a great deal of evidence had been given which pointed, apparently conclusively, to his having been upon the scene of the crime. I was now able to bring forward some remarkable evidence, however, which had the effect of hopelessly confusing the issue, for witness after witness came forward and testified, with much minuteness of detail, to the fact of the prisoner, on the night in question, having been at Eton. These witnesses included a bootmaker, for whom the prisoner had worked on the 11th of April, and the bootmaker's son; a photographer, who swore positively that he saw the prisoner, between eight and half-past, in a public house at Windsor; three men, who deposed to having played cards with him at

that public-house at the time specified; the wife of the proprietor of the public-house, who said she had served him with beer as late as twenty minutes past eleven; and his two sisters.

At the end of the evidence, Mr. Baron Bramwell—one of the brightest, soundest, and most lucid Judges that ever sat upon the English Bench—summed up, and the jury, after mature deliberation, returned a verdict of "Not Guilty," whereupon the prisoner was released.

So far as I am aware, from that day to this, nothing more has been heard about the perpetrator of this crime. This is, indeed, one of the many cases of murder in which justice remains unsatisfied; and, owing to the lapse of time, there is every probability that no further light will ever now be thrown upon the mystery.

My very dear friend, Douglas Straight, was called to the Bar on the 11th of November, 1865. Thus only seven months had elapsed when he figured in this important case. His leader, as already stated, was Mr. Metcalfe, who, I may here mention, subsequently became a Q.C., and is now County Court Judge of Bristol. Douglas Straight and I were opposed to one another on this and on many subsequent occasions—a circumstance, however, that never for one moment affected the friendship existing between us.

We were, indeed, the most intimate and the staunchest of friends, and so we remain to this day. He is now Mr. Justice Straight, of Allahabad, capital of the North-West Provinces of India. In 1891, I believe, he will become entitled to his pension, and will return to his native land and to his legion of friends. Douglas Straight has been the architect of his own fortunes. My earliest recollection of him dates from the time when, on leaving Harrow, he came to London, and, with a view to making a little money, turned his attention to journalism. An evening newspaper called the *Glow-worm*, had just been started, and Douglas became one of its principal contributors. The precise circumstances under which I first encountered my future friend were somewhat peculiar. As I was crossing Waterloo Bridge one day, I saw a young man go up to two newsboys and soundly cuff their ears; their offence being that they had failed to call out the *Glow-worm* in sufficiently stentorian tones. It was Douglas Straight.

So intimate did Douglas and I become in after years, that people called us "The Twins." On one occasion we had been fighting a case against one another before an Alderman at the Guildhall, and, on leaving the building, we linked our arms

and proceeded together in the direction of "The Garrick," where we proposed to have lunch. I shall never forget the remark that fell from one of the by-standers as we passed up the street. "Lor, Bill," we heard him say, "ain't we bin sold! Why, we thought they was quarrellin' together inside, like cat and dog. It's all a put-up job, Bill. Just look at 'em now, arm in arm, and roarin' with laughter like two old pals."

CHAPTER XII

O RUS QUANDO EGO TE ASPICIAM.

No. 8, Upper Brook Street—A new custom of mine—Mr. and Mrs. Lawson's house at Twickenham—The people who went there—Napier Stuart and the diamond merchant—Sir John Holker's natural surprise—Attempt to burn down *The Daily Telegraph* offices—I am sent "Special" to Windsor—A case of robbery—My curious meeting with London detectives—The statement one of them made to me regarding my client—I am obliged to leave before the verdict is returned—The prisoner's consequent indignation—A verdict of "Not Guilty"—How the released man treated the police to a champagne supper.

I HAD migrated from Brompton, had lived two years in Gordon Street, Gordon Square, and, at the period of which I am now speaking, was located at No. 8, Upper Brook Street. With the exception of one week spent on the Lake of Geneva, with Douglas Straight and other friends, I had taken no holiday during the whole of my professional career. At length, however, the strain began to tell upon me, and, in order to obtain a change of air and scenery, without interfering with my work, it now became my practice, every summer, to take a house up the river, either at Twickenham or Teddington. In those days Edward Lawson and his wife had a charming place at Twickenham, called "The Grange." It had some historical associations, having been the orangery of the celebrated Mrs. Jordan. Mr. and Mrs. Lawson were famous for the Sunday parties they gave there. Lady Waldegrave, afterwards Lady Carlingford, had large gatherings of friends at Strawberry Hill, and every Sunday a detachment of them would come over to "The Grange." Among the number were usually Bernal Osborne, Henry James, Calcraft, and Hayward. The contingent of visitors from town as a rule included De Worms, Sir Henry Hoare, Serjeant Ballantine, Douglas Straight, Mr. and Mrs. Knox, John Clayton, dear old Sir Thomas Henry

(the Chief Magistrate), Marcus Stone, Tom Robertson, Madge Robertson (now Mrs. Kendal), Mrs. Keeley, Patti, the Marquise de Caux, General Du Plat, Monty Corry, and Napier Sturt. Poor Napier! a better friend man never had. He was always bemoaning his fate as a younger son, and it was a frequent practice of his to pull out a small silver watch, attached to which by way of chain was a common piece of string, and to declare that they were his only worldly possessions. I cannot refrain at this point from telling an anecdote of Napier, the circumstances of which, whenever they recur to my mind, cause me to smile. In Portland Place there lived a very opulent diamond merchant, who was a great entertainer, and very fond of gathering around his table those who, in the vocabulary of certain persons, are termed "swells." His acquaintance with this envied class was limited, and thus it came about that the services of Napier, who knew everybody and went everywhere, became invaluable. Napier it was who sent out the invitations, and ordered the dinner, the proprietor of the establishment having nothing more to do than to pay the piper, and receive the guests. I attended one of these dinner parties, and sat next to Sir John Holker, then Attorney-General, who was present for the first time. Napier—who had come late, and, in consequence, had not been able to pay his customary visit to the cellar with the butler to arrange what wines were to be drunk—on tasting his claret, and not finding it to his liking, turned round to his host and said:

"My dear ——, how do you suppose I am going to ask gentlemen to your table if you give them stuff like this to drink? For God's sake, let your butler hand me the keys of the cellar, and come down with me, so that I may find something fit to drink;" and without another word, he received the keys and left the room, presently to return triumphantly with several bottles of old Lafitte. I shall never forget the expression on my neighbour's face as he turned to me, and said: "Does he often do this?" I replied: "Always."

It was in 1866, that I held my first brief for the proprietors of *The Daily Telegraph*. I need hardly say that in those days the *D. T.* was thoroughly Gladstonian. In point of fact, it was Mr. Gladstone's organ; but *tempora mutantur nos et mutamur in illis.*

A man named Poole was charged with setting fire to the offices of the newspaper, which were in Peterborough Court. At that time, Fred Whitehurst (brother of Felix, the clever Paris correspondent) was the manager, Mr. Joseph Ellis was

the registered proprietor, Mr. Lionel Lawson and Mr. J. M. Levy were the principal proprietors, and a small share in the enterprise was held by Mr. Edward Lawson, and a gentleman named George Moss.

Mr. Whitehurst was one of the principal witnesses in the case. It appeared that on Sunday the 24th of March, he was wending his way home from the office when he received the startling information that it was on fire. He at once returned, and was not a little relieved to find that the flames had already been practically extinguished. However, if the building had happily been saved from destruction, the situation was still a serious one. The fire had broken out in three distinct places, and was therefore clearly the work of an incendiary. Mr. Whitehurst was able to place other significant facts before the jury. On the 10th inst. another fire had occurred at the office of *The Daily Telegraph*, and on that occasion the accused, who acted as time-keeper, had made the following report of the outbreak:

"A fire having occurred this, Saturday, afternoon in the old buildings, No. 4, Peterborough Court, and I having discovered and extinguished the same, I beg to report it. It broke out, about four o'clock, in the basement of the building, and I wish to recommend to your notice a man who assisted me to extinguish the flames."

It appeared that this fire had broken out in the cellar, of which the only key was possessed by the accused.

As the case proceeded, it was proved, with reference to the fire of the 24th March, that on that day Poole entered the paper-room, and said to one of the men: "Are all the others gone yet?" The man was, as a matter of fact, the last one of the "hands" left on the premises, and he said so. Another witness deposed that just before the fire broke out he was standing in the yard, and that the prisoner rushed out of the building in an excited condition, and exclaimed: "What business have you here?" Further evidence was adduced that went to show that Poole was the only man on the premises when the outbreak occurred; and in the end he was found guilty and sentenced to five years' penal servitude.

It was about this time that, as one afternoon I was sitting in my chambers, my clerk came to me and said that a leading firm of solicitors were very anxious to know if, on the following Wednesday, I could go "special" to Windsor. I can scarcely say "special," however, for just before this my father had died, and I had followed the example of Sir Henry James,

and changed from the Home to the Oxford Circuit, joining the Berkshire Sessions. The fee offered, however, was so large that I looked upon it as a "special" case. It so happened that the Sessions of the Central Criminal Court were held in this particular week, and I had made it an invariable rule, since the time that I got into considerable practice at the Old Bailey, not to leave it while the Sessions were on. My reply, therefore, was that I did not particularly care about the case, and that, if I accepted it, I should very likely have to neglect it at the last moment. In about an hour's time the attorney himself called at my chambers, and, on seeing me, said:

"You really must go to Windsor on Wednesday. My client is most anxious to have your services. It is not a question of money at all. Name your own fee—I mean anything in reason—and I shall be delighted to deliver the brief and hand your clerk the cheque."

I refused to suggest a sum, but he named so tempting a one that I was unable any longer to resist.

On subsequently looking the brief over, judge of my surprise to find that the case was only a very ordinary one. Two men—one of whom only had been arrested—were charged with stealing a cash-box in a public-house in Peascod Street, Windsor, on the Cup day of Ascot Races. I read my papers, and the case appeared to be as conclusive as it could be. The two men had gone down from Paddington to Windsor, where they had arrived at about eleven o'clock in the morning, and they had proceeded together to the public-house, which was of a sporting character. Two or three barmaids were serving the customers at the time, and, while the men were having some refreshment, it became necessary for one of the girls to go to the cash-box and get change for half-a-sovereign. She threw the lid of the box right open, thereby disclosing to view a number of notes and a quantity of gold. When the races were over the men returned to the public-house, and the one in custody made some excuse to go to the back of the bar. In doing so he distracted the attention of the woman in charge of the cash-box, whereupon the other man snatched it up, and the two hastily decamped. They were followed, and their pursuers, after going a little way, saw them in the distance dividing their spoil. They took to their heels, and the more nimble of the two made good his escape, the other one being caught.

The Recorder of Windsor at that time was Mr. Skinner,

Q.C. He was, I believe, rather a convicting Judge, and perhaps it was necessary that he should be, for, as I afterwards learnt (having to go to Windsor on several occasions), the juries there were peculiar ones, not unfrequently including among their number one or two receivers of stolen goods.

On the day of the trial I arrived at Windsor at about ten o'clock. As I was not likely to be wanted much before noon, and as I was desirous of visiting anew the haunts of my youth, I set out in the direction of the "White Hart," where I resolved to order some breakfast. I had not proceeded many yards down the High Street, however, when I met any number of London detectives, among them being Sergeants Cole and Chamberlaine, and two or three inspectors of the Metropolitan and City police. I thought their presence at Windsor rather odd; but I went in to breakfast without troubling my head about the matter. On subsequently leaving the "White Hart," and proceeding in the direction of the Town Hall, I met some more of these servants of the law, and, going up to one of the chief of them, said:

"What are all you men doing down here?"

The officer, with a laugh, replied:

"You're the cause, sir; we've come about that man you are going to defend for stealing the cash-box. We've got him this time, and don't mean to let him go. We can't imagine how he came to do this. It isn't his line at all. We've been trying to catch him for years, but never could manage it."

I became somewhat interested, and was anxious for further particulars.

"Who is he?" I asked; and the officer replied:

"He's the one that finds the brains, and seldom runs the risk. He is the architect of all the big burglaries and portico robberies that take place in the metropolis and provinces. He's a wonderful man, and when a place in the country has been spotted, he goes down and carefully arranges all the plans for bringing off the job. In fact, his is the head that directs. His inferiors, who crack the crib, or mount the portico, simply and solely carry out his instructions. He has regular depôts for the disposal of the gold, jewellery, plate, etc., not only in this country, but also in different parts of Holland. We know all these facts, and others besides. It was he who planned Lady Margaret ——'s robbery; you must remember it, sir, it's not so very long ago—when thousands upon thousands of pounds worth of jewellery were stolen.

What beats us, you know, is that he should have had anything to do with a paltry thing like this—a matter of only two or three hundred pounds; but we've come to the conclusion that he saw the cash-box in the morning, and that the sight was too much for him. He was out for a spree at the races, and I suppose he thought he'd like to pay his exes."

I was very much interested and amused at what the officer told me; but, at this point, I had to leave him, and proceed into Court. As the prisoner, who, by-the-bye, was prosecuted by Mr. J. O. Griffits, entered the Court to take his place in the dock, I saw a pleased expression pass over his face, as he assured himself of the arrival of the counsel he had chosen. The prisoner was a quiet, fairly well-dressed man, not unlike the sporting publican himself.

The case began at twelve o'clock, and occupied the whole of the day. Now, I had made an appointment for ten o'clock that night, in London, and though it was not on business, it was one that I did not care to break. It was soon apparent, however, that the case was going to extend itself far into the evening. After the speeches had been delivered on both sides, Skinner summed up, and a more sweeping charge, I think, I never heard. Nevertheless, it did not appear to have much effect upon the jury.

An advocate who has had large experience (especially if that experience has been in criminal cases), can pretty well, when he has finished speaking, tell which way most of the jury incline. It was a custom of mine to try and make sure of two or three of the most likely men first, and then to devote my attention to the others. Sometimes one man in particular would present special difficulties. It would be easy to see that he had formed an opinion adverse to my client, and was sitting there, resolved not to be influenced by what I was saying. There was nothing for it but to patiently hammer away. I found it was half the battle to rouse him from his indifference, and to thoroughly arrest his attention; while, of course, if he once opened his mouth to make an inquiry, and thus gave me an opportunity of addressing myself directly to him, I could usually count upon his allegiance. It was sometimes my experience, too, that, when it came to considering the verdict, one or two strong men would easily carry their fellow-jurors along with them.

But all this is by the way. Skinner's summing-up concluded shortly after six o'clock, and the foreman asked permission for the jury to retire. The excitement of the prisoner during the

latter part of the case had been intense. His mouth twitched nervously, and he kept fidgeting with his hands; and I felt it was pretty certain that, if he got out of his present scrape, he would be slow to risk being a second time arrested.

The last train I could catch in order to reach London by ten o'clock was one leaving Windsor at about half-past eight. I told the solicitor who had instructed me that, as it would be useless for me to wait any longer, and as nothing remained for us to do but to receive the verdict, I proposed to take my departure and catch the train. He replied: "Well, the prisoner will make a great fuss if you do. I know he's set his mind entirely on you, and if you go, I won't answer for what he'll do or say."

I replied:

"I really don't mind. I have performed my part of the contract, and I'm going."

I was seated just underneath the jury-box (this being my favourite place in all courts of justice), and it so happened that I could not leave the building without passing the dock. As I did so, the prisoner caught me by the gown, and said, with evident anxiety:

"You are not going, sir!" Well, it is not customary for counsel to speak to prisoners; but there I was—I had to say something.

"I *am* going," I replied; "I've done all I can for you, and I must be in town by ten o'clock."

"Good God, sir," said he, "don't desert me; if you stay I know I shall win. I know what Mr. —— has marked upon your brief—double the sum!—treble! if you'll only stay."

I need hardly say that I proved inflexible. Hurrying from the Court, I unrobed, handed my bag to my clerk, and just managed to catch the train as it was moving out of the station.

The next morning I went as usual to the Central Criminal Court. On entering the building, whom should I encounter but two or three of the detectives I had seen on the previous day at Windsor. They smiled when they saw me, and one of them shook his head. I called him over, and said: "Well, and what became of that fellow I defended at Windsor yesterday?"

"Oh," he replied, "you've done us, sir. The jury didn't come back till eleven o'clock, and then they brought it in 'Not Guilty.' We had to sleep at Windsor all night, and we've only just come up. Lor bless you, you should have seen that chap when the verdict was given! He was out of the dock

and in the streets in a twinkling. When we got out, what did he do but turn to us, and say: 'Come along. I know what you were all here for; but I don't bear no malice. It's all right now, so let's go and have a bottle or two of champagne.' Well, you know, sir," added the officer, with a grin, "it was no use then. The man was free, and, as we had to wait all night in Berkshire, we accepted his offer, and he stood champagne all round like a nobleman."

To this day, I don't think that man has ever been charged again; in fact, I am sure he had not been up to two years ago, when I ceased to practise; for had he once more fallen into the hands of the police, I am sure that I should have been the first to hear of it.

CHAPTER XIII.

PAUPERTAS ONUS ET MISERUM ET GRAVE.

The Middlesex Sessions—An underpaid Judgeship - Poor prisoners and their defence—Where thieves used to live, and where they live now—An impudent little pickpocket I defended—East End lodging-houses: a disgraceful state of things—Suggestions for reform—Midnight rambles in the East End—How a friend and I tried the effects of opium—The "Bridge of Sighs"—A woman lying in the snow with a child in her arms—The poor creature's desperate resolve—We take her to the refuge.

I HAD not been many years at the Bar before I did more business than anybody else in defending prisoners at the Middlesex Sessions. The Middlesex Sessions were held at the Clerkenwell Session House, on Clerkenwell Green, and they were mainly for the trial of quarter-session cases of the ordinary description, and of appeals from the decisions of the metropolitan magistrates. There were two sets of Sessions in London—the Middlesex and the Surrey. The latter were presided over by Mr. Hardman, the editor of *The Morning Post*, and a bench of unpaid magistrates; the former by Sir William Bodkin, who received a salary of £1,500, and by a Deputy-Assistant Judge, who sat in the Second Court, and who was paid, as a sort of journeyman, five guineas a day. The calendars at Middlesex were very heavy, and the Sessions were held once a fortnight. The list nearly always contained the names of over a hundred prisoners; thus, more than two hundred were tried every month.

The position of Assistant Judge is an important one, and, as I have always held, is exceedingly badly paid. Sir Peter Edlin is the present Assistant Judge; and I observe from a report in the newspapers, that the London County Council, under whom the Surrey Sessions are now practically abolished, and Middlesex and Surrey grouped together under the name of the London County Sessions — have positively refused, though the work has been almost doubled, to sanction any increase of the salary. I am of opinion that it is quite impossible to get a really good and strong man to discharge the very onerous duties of the office at the small stipend now attached to it.

The Clerkenwell Bar has turned out some very good men, notably Serjeants Ballantine and Parry, the present Lord Chancellor, and Mr. Poland, Q.C.; Surrey can boast of Mr. Douglas Straight and Sir Edward Clarke, who won his spurs as a leading advocate in the Staunton case. A great many of the prisoners at the London Sessions are not defended through the intervention of a solicitor. Their friends—who of course are usually very poor—instruct counsel by either sending them, or handing them in Court, a copy of the depositions—that is, the evidence that has been already taken before the magistrate. This is called being instructed in person, and the depositions are usually called "i.p.'s." I am afraid it would never do to inquire too curiously as to where, in these cases, the money comes from to instruct counsel. Very often, in cases of pocket-picking, watch robberies, assaults on the police, etc., the money represents the proceeds of what are termed friendly "leads," or meetings. The prisoner's friends hold an harmonic meeting at some public-house, where a small subscription is raised on his behalf. The printed invitations to this meeting that are distributed in the neighbourhood where the prisoner lives, are not drawn up in terms of absolute frankness. It is not bluntly stated that So-and-So is in prison, and in need of funds for his defence; reference is, instead, made to the unfortunate fact that, having been incapacitated for work by breaking his leg, or some accident of that description, he is in financial difficulties.

In the early days of my career as an advocate, a great many of the criminal classes were located in the neighbourhood of Tothill Fields. Petty thieves, and receivers of stolen property, mostly congregated in Seven Dials. Those places have now been morally disinfected; the improvements there having swept away nearly all the small lodging-houses. Of

course, a large proportion of the criminal classes always lived in Whitechapel, Shoreditch, and the neighbouring districts; but, since the demolitions in the places to which I have just alluded, our whole criminal population seems to have concentrated itself in the East End.

There is a peculiar look about the London pickpocket, whose portrait, by the way, Dickens drew very accurately in describing Fagin's lads. He is small in stature—his growth being stunted by drink, and other causes—his hair is closely cropped (that being a matter of necessity), and there is a sharp, terrier-like look about his face. Such persons know no difference between right and wrong; at least, a great many of them do not. They have, for the most part, been brought up to thieving from their earliest childhood, and, from the time they were twelve or thirteen years of age, when they had, probably, already undergone two or three short terms of imprisonment, they have been at war with society.

I shall never forget my experiences in defending one of these gentry in the Second Court at Clerkenwell. On looking at the depositions handed to me, I believe by one of his friends, I saw that the case was a completely hopeless one. The prisoner was charged with stealing a watch in the neighbourhood of Finsbury Square. A man was standing there, his attention engaged on something that was going on in the roadway, when he felt a tug at his waistcoat, and, on looking round, found that his watch was gone, and that the broken end of his chain was hanging loosely from his button-hole. Beside him stood the prisoner, whom he at once seized; then, on looking down, he saw his watch lying on the pavement. There were several previous convictions against the accused, and, if the result of the trial were antagonistic, it was likely that the Judge would pass upon him a sentence of five or seven years' penal servitude. After the jury had been sworn, and the prisoner had pleaded, I crossed over to the dock and strongly recommended him to withdraw the plea he had just made, and substitute one of "Guilty," promising to say what I thought best for the purpose of mitigating his punishment.

The little rascal was most indignant, and, turning to me, said: "Go on, go on; I want you to do my case, and I beg you to do it, sir. I shall get out of it. You'll win, I know you will. You've done so twice before for me."

I was somewhat amused at the impudence of my client, and returned to my seat, whereupon the trial proceeded. In the end, the prisoner's anticipation was realised, and he was

acquitted. On hearing the verdict he began to literally dance in the dock, and, looking over to me, shouted out: "I told you so—I told you so! You never know what you can do till you try;" then, with a bow to the Judge, he skipped down from his position and emerged into liberty.

I have always been of opinion that a great deal of the crime of the metropolis—I mean crime of this description—is due, in a great measure, to the want of care that is taken of the poorer classes. What is everybody's business seems to be nobody's business; and the lodging-houses, or what are termed "doss" houses, in the East End, are a disgrace to civilisation. These places—which are most numerous in Shoreditch, Whitechapel, and Commercial Road districts—are simply and solely the hot-beds of crime. They are pernicious in every respect. In the first place, they are the home of the pickpocket and the ordinary street thief, as distinguished from the burglar. The last-named seldom resorts to them. To have anything like a fixed place of abode, where his goings and comings would be scrutinised, would indeed be fatal to his enterprise, for he carries about with him in his tools conclusive evidence of guilt. The ordinary thieves, however, crowd these establishments, where every little gossoon of fourteen or fifteen has his young woman. In point of fact, these houses are nothing more nor less than brothels. Those in the neighbourhood of Flower and Dean Street, Weymouth Street, and the other alleys and byeways of Spitalfields, often contain as many as one hundred and fifty beds, half of them being what are termed "singles," and half of them "doubles." The "singles," that is, beds for single men, are let at fourpence a night; the "doubles," for male and female, at eightpence.

The rents paid for the buildings themselves by those who farm them—some of whom are very well-to-do persons, living at the West End, and utterly regardless how their income is derived—are mostly very small; thus, crowded as these houses are every night of the year, they represent a very remunerative investment. They are pernicious in other respects, besides harbouring thieves and prostitutes. Many a man sinks to the lowest depths of poverty through no fault of his own. Hard times come upon him, and one by one his little possessions find their way to the pawn-shop. The poor fellow clings desperately to his home; but that, too, he loses at last. The rent is not forthcoming, and so he and his family are turned into the streets. Where can they go? Of course there is the workhouse; but so long as, by hook or by crook, the man can

find the means to pay for board and lodging, to the workhouse he will not go. It is very natural. Poor persons have feelings like their more fortunate brethren, and the man knows that the moment he throws himself upon the parish he will be separated from his wife and children. There is absolutely no alternative but the common lodging-house, and the few coppers necessary to obtain a bed there are usually to be obtained. Once under the roof, the man is, to all intents and purposes, caught in the vortex of crime. New to his surroundings, and desperately eager to obtain food for his family, he may glide at once, and almost imperceptibly, into the dishonest practices of those about him; or—and this is perhaps more frequently the case—he will resist the temptation for a while, but, at last, in face of the sneers and jeers of his disreputable companions, his moral courage will desert him. On entering the common lodging-house, his children, whose minds have perhaps previously been pure and untainted, will be compelled to listen to oaths, blasphemy, and all manner of filthy conversation. Nor does the hardship stop here.

Parents are not permitted to allow their children to live where bad characters assemble, and the rescue officer from the Reformatory and Refuge Union is empowered to go into places of this description, bring the children away from their parents, and take them before a magistrate, who, in nine cases out of ten, has no alternative but to send them to some industrial or reformatory school.

I have often discussed the question of these lodging-houses with one who, by his position, is, perhaps, better qualified than anybody else to understand their true character. I will repeat the gist of his statements. He said: "Mr. ——, whose experience has been very large, thinks that the plan of a complete separation of the sexes would be impracticable, or, if practicable, would give rise to worse evils. He thinks that, if enforced, it would lead to an extension of the furnished-room system, which occasions more shameful immorality than is possible even in the common lodging-houses. When a search was recently being made through Whitechapel and Spitalfields, in connection with the —— and —— murders, a constable told me that he said to a man named —— (a registered lodging-house keeper, and owner, or leaseholder, of furnished rooms in Great Pearle Street): 'Do you know that all the women in your furnished rooms are street-walkers?' whereupon the answer was: 'I don't care what they are so long as they bring me in my money.'

"The rooms are said to be let and sub-let, and women lead immoral lives there often in the presence of children. The rooms are let to any who want them—sometimes to boys and girls of sixteen and seventeen years of age, and under. The furnished rooms are under no supervision, and they are virtually places of ill-fame. They are to be found in Flower and Dean Street, Thrawl Street, and Great Pearle Street, at the East End; in St. Clement's Road, Bangor Street, and St. Catherine's Road, at Notting Hill; and in Macklin Street, Shelton Street, and Parker Street, at Drury Lane. The three thoroughfares last named, however, I should state, will shortly be demolished."

I replied:

"You tell me of a disease, or an aggravation of a disease, of the existence of which I was already well aware. You have had the greatest experience of anybody in the metropolis in these matters, and I should therefore like you to tell me what remedy you would propose to adopt."

The answer was: "What seems to be necessary is a separation of the houses into classes. There should first be houses for single men, of which class the Victoria Home, in Commercial Street, from which known bad characters are excluded, is a good example. There are a very large number of dock labourers, and others, plunged into the depths of poverty, who would find these houses a suitable asylum. I am bound to say that some occupiers of houses try to keep order; but the proprietors, many of whom are Jews, insist upon the beds being let. Their reply to every remonstrance, is: 'Have respectable people if you can; but let the beds.'"

My informant expressed the opinion that, in Spitalfields, there was room for a couple more houses like the Victoria Home, each accommodating two hundred men. He suggested that a pensioned policeman, from the H Division by preference, should be appointed as "deputy" or manager.

"As you are aware, sir," he continued, "the registered lodging-houses at present in existence, are under the supervision of a man and his wife, or of a woman only, such persons being, in many instances, convicted thieves. It is not the business of the ordinary policeman to visit these houses, save and except when he is in pursuit of a criminal. In the whole Whitechapel district there are but one or two 'lodging-house sergeants,' that is, officers who have the sole right of visiting these places, each of which, therefore, is inspected only about once a week. In my plan, gross behaviour on the part of any

lodger would ensure his prompt ejection. Life would thus be tolerable to those who are merely the victims of misfortune. The second class of houses that I would establish would be for single women. Two houses, each with one hundred beds, would, I think, suffice for the Whitechapel district. They would shelter charwomen, factory women, laundresses, flower-girls, etc.; known prostitutes and thieves being rigidly excluded. Such houses should close not later than twelve o'clock; the places at present in existence being open practically all night. The third class of houses would be for married couples. The existing houses for the accommodation of man and wife are of the vilest possible description, bloodshed being of constant occurrence there.

"A house at the corner of George Street and Thrawl Street is a horrible den. Every policeman knows it, but never ventures to enter it, and, under the present system, he would in all probability be reprimanded if he attempted to report it. Besides, constables, after a long day's work, do not like reporting. There is no doubt that the present mixture of single men and single women with married couples is an incitement to vice. A single woman plies her trade, selling matches, flowers, fruit, etc.; her earnings get her bread, perhaps, or beer, but frequently she has no lodging-money. What follows under the present system is obvious. The proprietors of the houses should, in my opinion, be licensed, and their license withdrawn upon any act of flagrant impropriety being proved against them. I do not say that this idea of mine would in any way diminish the number of the criminal classes. They would remain. The filthy would be filthy still; the thieves would still be thieves. But here is where the advantage would come in—they would no longer have the power to corrupt others. Flower and Dean Street, Thrawl Street, Fashion Street, and Wentworth Street all want widening. They need to be intersected by an improved George Street, and it is greatly to be desired that they should all be well lighted and well patrolled. This would diminish crime. Every lodging-house keeper should be quite free from the suspicion of being a receiver of stolen property. At present any one who conforms to sanitary regulations—clean beds, walls, floors, etc.—can get and keep a license."

Of course my informant's experience has been far greater than mine, but I entirely agree with everything he says. For years, when at the Bar, it was my custom, every now and then, to pay a nocturnal visit to the haunts of the criminal classes in the East End. I was never interfered with. Sometimes, by

permission, I was accompanied by a member of the police force in plain clothes, but frequently I went alone.

One day I and a friend, attended by a constable, embarked on an expedition of this kind, during which we were the means, I think, of saving a human life. We visited, some time before twelve o'clock, the different dancing-houses and gin-palaces in Blue Gate Fields and its neighbourhood; thence we went to the small lane in which the Chinese opium-smokers mostly congregate. Here we tried the effect of the strange drug, though, as I need hardly say, only to a small extent. We then proceeded to the refuges of the district; places where, up to, I think, one o'clock in the morning, the casual can, under certain circumstances, obtain admission. He gets his bed—such as it is—and his breakfast—some bread and water, I think—for which, before he leaves in the morning, he has to do a certain amount of work, such as stone-breaking or wood-chopping.

It was a bitterly cold night, and shortly after two it came on to snow violently. We were about to visit the last of the refuges, and our way took us to a bridge going over part of the docks, where, as I afterwards learnt, the water was some forty or fifty feet deep. The bridge itself is known by the suggestive name of the "Bridge of Sighs," on account of the number of suicides that take place there It is now, I believe, always guarded by a policeman on what is termed "fixed point" duty.

When we were some little way from the bridge, the officer accompanying us noticed something that had escaped our attention. It was a dark bundle lying in the snow. He drew forth his lantern, or struck a light—I forget which—and we then discovered that the bundle consisted of two human beings, a woman and a child. The mother had done all she could to keep the bitter, numbing cold from her infant. She had divested herself of her shawl, which must have served the double purpose of bonnet and wrap, and had folded it around the child. The woman was very poorly clad, but apparently respectable, and the child was scrupulously clean and neatly dressed. The woman told us that she had been turned out of her home; that she had nowhere to go to, and no one to help her; and that she had determined to go the road so many had traversed before her, and, with one final plunge, end her own and her child's misery. She had, however, sunk down just before she reached the Bridge of Sighs, the snow had come on, and her child had fallen asleep.

At this hour in the morning, what on earth was to be done? There seemed no chance of finding shelter for the poor creatures. We three, though well wrapped up, were half frozen with the cold; what, then, must the poor woman and her child be suffering!

I suggested to the officer that we should take the woman to the refuge; but his answer was: "I wouldn't do that, sir, if I were you. The master of the refuge is a rather peculiar man. It is now over an hour past the receiving time, and if you insisted upon his taking the woman" (and here the officer spoke with a touch of genuine feeling), "I think it would be the worst for her, poor thing!"

We were not to be alarmed by this, and we managed to assist the poor woman and her child to the refuge. Though I told the man in authority who I was, he positively refused to take the poor creatures in. It was against orders, he explained. I told him that I would be responsible for the consequences, and made an entry to that effect in his book. At this he showed some signs of compliance; but what turned the scale was my announcement that my companion was an earl, and intimately connected with the Local Government Board.

The woman and child were admitted; and early next morning, before I proceeded to my legal duties, my friend and I again visited the refuge, and made inquiries into the case that we had assisted. We found that the woman had done all she could to keep herself respectable, and that the story she had told us on the previous night was, in the main, perfectly true. In the end, I believe, we succeeded in being of some permanent benefit to her.

CHAPTER XIV.

INGRATO HOMINE TERRA PEJUS NIL CREAT.

An amusing case at Bristol—Strange threat of a butcher—Tallantine makes a mistake—The long retirement of the jury—The butcher found to be tattered and bleeding—A cruel murder—The ragged wayfarer and the kind-hearted widow—She accedes to his prayer for a night's lodging—He becomes her manager and collects her rents—A description of the crime—The man is acquitted—He afterwards boasts of his guilt.

In 1867, I was engaged in a case out of which some amusing incidents arose. A number of persons were committed for trial, by the Bristol Bench, for having taken part in riots

during the recent Parliamentary election in the borough. Several London counsel were engaged, both on the Conservative and the Liberal side, among the number being Serjeant Ballantine, Arthur Collins, Mr. Ribton, and myself. The principal defendant was a solicitor named Watkins, who was charged with being the ringleader of a portion of the insurgents.

Ballantine and myself were engaged upon the Conservative side; a circumstance showing how little politics had to do with the choice of counsel, Ballantine being, at that time, an advanced Liberal.

Serjeant Kinglake, the Recorder of the borough, tried the case, and the Court was densely crowded, the number of ladies preponderating.

In consultation, the Conservative agent, who instructed us for the defence, stated that there lived in the district a certain butcher of strong Liberal sympathies, who had been heard to declare that, somehow or another, he would get sworn upon the jury and then have a leg cut off rather than acquit Watkins. The Conservative agent duly informed us of this person's name.

The hour for the trial to commence arrived, and the clerk proceeded to read over the jury list. To our disgust, one of the names he called out was that of the butcher.

Ballantine was for once caught napping. Starting to his feet he cried, "*Challenge!*"

Of course, in a case of felony, counsel may object to a juryman, but this cannot be done in a case of misdemeanour.

The Recorder pointed out the slip that Ballantine had made, and my leader was somewhat disconcerted, for he realised that, in challenging the butcher, he had probably only intensified that worthy's hostility. However, the Serjeant quickly recovered his equanimity, and with a smile on his face, said:

"I really quite forgot; but no matter. I am sure that when I make the statement I am about to make, the gentleman to whom I was about to object will have too much good feeling to remain and act as one of the judges of the case, but will at once retire from the box." Ballantine then stated to the Court the facts that had been made known to us. Instead, however, of the butcher assuming the lamb-like demeanour that my learned friend had apparently anticipated, he sat very tightly in the box, and said:

"I shan't budge an inch. I never said what has been

attributed to me; and if I had said it, I stand upon my rights as an Englishman. I've a right to serve on the jury, and on the jury I'll serve."

I believe the Judge had no power to interfere; at least, if he had, he did not exercise it. He simply said:

"You hear, brother. I must rely, and so must you, upon this gentleman's good sense, and the obligation that he attaches to an oath."

The jurymen were then duly sworn, and the case proceeded. It lasted for two days. The evidence, as usual in such cases, was very conflicting. A number of the witnesses for the prosecution identified our client as "the man on the white horse," who had led on the rioters and incited them to demolish a number of buildings in the town, with cries of "Give them Bristol Bridge"—the phrase having reference to certain political riots that had taken place in Bristol many years before, when a bridge was destroyed, and its bricks used as missiles. We called a number of witnesses who swore that Watkins was not the man who led the rioters, some of them indeed deposing that he was in a totally different part of the borough at the time the disturbance took place.

At about six o'clock on the second day, the jury retired to consider their verdict. The Court of Bristol is a very handsome one, and furnished with many conveniences unknown elsewhere. When a jury are unable to agree, they are taken to a room in the upper part of the building, which room opens into a little gallery in the Court-house. Thus they are able to communicate with the bench without coming downstairs. Several hours went by, and the jury did not appear. At about ten o'clock the Recorder sent a messenger to them, asking if they had agreed upon their verdict. They came out into the gallery, and stated that they had not agreed upon a verdict, and that there seemed very little likelihood of their being able to do so. Kinglake was a very firm man, and he was determined that the borough should not be put to the expense of a second trial. He therefore informed the jury that he should use every means in his power to compel them to come to some conclusion, adding:

"It is, at any rate, my present purpose to keep you locked up there for the night. I will return to the Court at one in the morning; and, in the meantime, I must ask the counsel on both sides to delegate, at any rate, one of their number to be present when I arrive."

We were all of us very anxious about the result, and so we

resolved to go back to the hotel on Castle Green, dine—for we had had nothing to eat since luncheon—and return in a body at one o'clock. We did so, and the jury were again brought into Court, but with the same result as before. Upon this, the Recorder stated that he proposed to go back to his room in Court, and remain there until a verdict was returned. Ballantine repaired to the hotel to get some sleep, while I, and one of the other juniors, remained on guard.

At about four o'clock, when we were all more asleep than awake, the usher was roused from his semi-comatose condition, and sent for to the jury-room. Presently he returned with the news that the jury had agreed upon a verdict. The information was communicated to the Recorder, who hastily robed, and returned to the judgment seat.

When the names of the jury were read over, only eleven answered. The Recorder said: "One juryman has not responded." It was our friend the butcher. His name was called out a second time, whereupon a feeble voice answered: "Here." The Judge, who, I have no doubt, guessed pretty accurately what had occurred, did not look towards the jury-box. It is perhaps as well that he did not. I did, and I never saw such an extraordinary-looking object as the butcher. His coat and waistcoat were torn from his back; his very shirt-sleeves were tattered; and his face was besmeared with blood. The reader can pretty well guess what had happened. There had all along been a strong majority against the butcher; and the twelve men were now unanimous in returning a verdict of "Not Guilty."

It was during that same year that I obtained a verdict in the country which I have always regretted. It was in a trial for murder which took place on the Midland Circuit, I being specially retained to conduct the defence. The murder has always seemed to me to be the most cruel and heartless one in my experience.

Some five-and-twenty miles from the Assize town, where the trial took place, stood a public-house kept by a widow. She was a great favourite in the neighbourhood, and was frequently engaged in charitable offices. It was well known that she possessed a snug little income, for, besides the public house, she owned several small cottages in the neighbourhood, having purchased them out of her savings. She was a comely, buxom woman of about forty years of age.

One winter's night, as she was sitting in her bar-parlour, tramp—a poor, broken-down, wretched-looking man—ap-

peared in the doorway and besought assistance. He said that he was starving, having tasted neither bit nor sup for days; and this tale so worked upon the feelings of the good-natured widow, that she gave him some meat and beer. It was bitterly cold, and the man, when he had finished his meal, implored the additional favour of sleeping accommodation for the night. He should be only too grateful, he said, for permission to lie in the stable, or one of the outhouses. It was not in the nature of the good woman to refuse a kindness of this description, and she granted the man's request. The next morning, she inquired still further into her visitor's history and condition, and being moved by the distressing story he told her, she agreed to let him stay on as a handy man, about the house.

That there grew to be a more intimate relation between the parties cannot be doubted. In time, he who had been a wayfarer and an outcast, became the manager of the little public-house, in which capacity he was, to all appearances, a most respectable man, his life being apparently a happy and prosperous one. It was part of the manager's duty to go round to the cottages and collect the rents for his mistress, who herself subsequently banked the money. On a certain quarter-day, he took out the horse and cart, and started off to pay his customary visit to the cottages. They were some distance away, and it was not possible for him to return until late at night. All the other inmates of the public-house went to bed; but the landlady herself sat up in order to give her manager some supper when he returned.

Next morning the little bar-parlour presented a horrible spectacle. The corpse of the widow lay on the ground, beside the fireplace, in a pool of blood. The head was literally severed from the body. The drawers, the cash-box, and the till had been rifled, and everything of value that had been in the room had been stolen. Beneath the woman's body was a frying-pan, in which were some half-cooked sausages. It was apparent that the poor creature had been preparing the man's supper when she had been attacked from behind; and there seemed little doubt that the bill-hook found in the yard was the instrument with which the murder had been committed.

Circumstances pointed to the manager as the author of the outrage, and he was duly arrested and put upon his trial, I being, as already indicated, retained for the defence. A quantity of evidence was taken, and in the end my client was acquitted. That same night, after drinking heavily he passed

down the High Street of the town, and holding out his right hand, exclaimed:

"My counsel got me off, but this is the hand that did the deed."

Of course a man cannot be tried twice for the same offence, and, to my perpetual regret, this ruffian remained at large.

CHAPTER XV.

PRO PATRIÀ NON TIMIDUS MORI.

The Clerkenwell explosion—How it originated, and why it failed—The accused and their counsel—A description of the prisoners—Evidence of the informers—A letter in invisible ink—Incidents subsequent to the explosion—Further evidence—The warders in the witness-box—Acquittal of Ann Justice—A moving scene—Mr. Baker Greene's witnesses—Barrett's demeanour—The crowd in Court—Constant attendance of ladies—Retirement of the jury—Excitement inside and outside the Court.

IN the afternoon of the 13th of December, 1867, the Clerkenwell explosion took place. Two men—Burke and Casey by name—were confined in the House of Detention on a charge of treason-felony, and a plot was formed among the Fenians of London and Manchester to liberate them. A barrel of gunpowder was placed against the prison wall and exploded. The effects were deplorable. Many houses in Corporation Lane were shattered, four persons were killed on the spot, and about forty others were maimed and otherwise wounded, in some cases fatally. A large proportion of the victims were women and children, and all were of the poorer classes. A wide breach was made in the prison wall, but those whom it was intended to rescue did not have the opportunity of escaping. The truth is, in this, as in so many similar plots, a whisper had gone abroad that mischief was brewing, and on the day of the explosion Burke and Casey had not been permitted to take their exercise in the usual manner.

Five men and a woman were arrested and tried for participation in the outrage. The names of the accused were William Desmond, Timothy Desmond, John O'Keefe, Nicholas English, Michael Barrett, and Ann Justice. They were charged with the wilful murder of Sarah Ann Hodgkinson—one of those killed by the explosion—and the trial took place before Lord Chief Justice Cockburn, sitting with Mr. Baron Bramwell. The

counsel for the Crown were the Attorney-General, the Solicitor-General, Mr. Hardinge-Giffard, Q.C., Mr. Poland, and Mr. Archibald (then Attorney-General's "devil," and subsequently a Judge). William Desmond was defended by Mr. Warner Sleigh; Timothy Desmond by Mr. Straight; English by Mr. Keogh; O'Keefe and Ann Justice by myself; and Barrett by Mr. Baker Greene. The trial was opened on Monday, April the 20th, 1868, and it occupied the five following days.

To judge by the appearance of the prisoners, the Fenian movement must have been at a somewhat low ebb at that time. With the exception of Barrett, the accused seemed to be in a state of extreme poverty. That there was not much money behind them may be inferred from the list I have given of the counsel employed on their behalf. Nearly all were very junior members of the Bar, and they stood in marked contrast with the brilliant array of talent on the other side.

The two Desmonds and English were, I think, tailors. They were very poorly clad, and miserable creatures to look upon. O'Keefe was of a somewhat better type. The woman, Ann Justice, who appeared to be from forty to forty-five years of age, was poorly dressed and plain-looking.

On looking at the dock, one's attention was principally attracted by the appearance of Barrett, for whom I must confess I subsequently felt great commiseration. He was a square-built fellow, scarcely five feet eight in height, and dressed something like a well-to-do farmer. The resemblance was certainly increased by the frank, open expression of his face. A less murderous countenance than Barrett's, indeed, I do not remember to have seen. Good-humour was latent in every feature. He took the greatest interest in the proceedings.

The principal witnesses against the prisoners were accomplices. After the surveyor had sworn to the correctness of the plans, and the doctor had given evidence as to the injuries sustained by the deceased, the informers were at once put into the box. The first was a man named Patrick Mullany, who described himself as a military tailor. Tailor—yes; but any one less military I never saw. In fact, both he and his fellow—a man named James Vaughan—were half-starved looking creatures, and well qualified, so far as appearance went, to fill the rôle of the Apothecary in *Romeo and Juliet*. The only time I saw Barrett's face change was during the examination of the informers; and the look of disgust, scorn, and hatred that he turned upon those two miserable creatures was a thing to be remembered

The substance of the evidence given by Mullany and Vaughan may be briefly stated.

They deposed that, fifteen or sixteen months previous to the explosion, they had been sworn in as members of the Fenian Brotherhood—an organisation having for its object the overthrow of English rule in Ireland, and the establishment there of a Republic. Mullany declared that he had been sworn in as a centre, and that the prisoner, Nicholas English, was present at the time, and introduced him to a man named James Kelly. Each centre, the witness said, had nine "B's" under him, and each "B" commanded nine men. During the ceremony of swearing-in, the conversation principally turned on the way men were to be conveyed to Ireland, and the best method of raising money to purchase arms, and to send men into the volunteers.

The witness went on to say that he knew William Desmond, Timothy Desmond, and O'Keefe, having met them in a public-house at the corner of Seymour Street, Pulteney Street. He had also, he said, known Burke—one of the men whose escape had been planned—since the April of 1867. Soon after the arrest of Burke, who was a Fenian and an American officer, the witness saw Barrett at his own house, in company with a man named Captain Murphy, who had taken a leading part in the Fenian movement. Barrett, who passed by the name of Jackson, remarked that he had eight revolvers in his bag, and that he had come over "to do something for poor Burke," and, as he spoke, he opened his bag and exposed to view some revolvers and ammunition. A conversation took place —so the witness said—as to where a barrel of gunpowder could be procured, and as to the best way of getting Burke out of the House of Detention. Mullany went on to speak about a letter that had been produced at William Desmond's house, and which, so far as he could remember, ran as follows: "Dear Friend,—You know my position here. You know how I am situated here. There is a house here called the 'Noted Stout House'" (it was explained that this was the name of a public-house), "and at that house there is a sewer and a weak part of the wall. If you get a barrel of gunpowder and place it there, you will be able to blow the wall to hell. Get the men to buy it in small quantities. The job must be done, and done at 3.30 or 4 o'clock. If you do not do this, you ought to be shot."

Touching this letter, the witness said that it had been destroyed, and that it had been written in invisible ink. Some

water had been procured in a teacup, and by the aid of this and some copperas, writing of a brown and burnt-like condition had been revealed. There were, Mullany declared, three phrases in the letter underlined: "the 'Noted Stout House,'" "a sewer," and "weak part of the wall." He said that when the letter was produced, English, Murphy, William Desmond, and twelve or fifteen others were present. The letter having been inspected, a question, it appears, arose as to how the money should be obtained for the purchase of the gunpowder, and some men offered to contribute £1, some 12*s.*, and some 10*s.* for the purpose.

"At this time," said Mullany, "I was out of work, owing to the tailors' strike." He went on to describe a number of meetings which all the prisoners attended, and at which the contemplated explosion was discussed. Subsequently he learnt from Murphy that the gunpowder had been procured. The question of how a truck could be obtained for carrying it was next discussed, and the following arrangements were ultimately made: A meeting was to be held at twelve o'clock, on the 13th of December, at the Desmonds' house; the conspirators were to go thence, in two companies, to the scene of operations; a man named Felix was to supply a tundish, or funnel, for carrying the fuse; all were to meet at the House of Detention at half-past three o'clock. Mullany added—presumably to save his neck—that he himself was not actually present when the explosion took place. As he said this, a smile, which was not wholly amiable, broke out on the face of Barrett, and I think that if the prisoner could have got at the witness at that moment the latter would have fared badly. The explosion was originally intended to take place on the 12th; but it was found advisable to postpone it until the following day.

The concluding portion of Mullany's evidence had reference to events that took place after the outrage. He said that on the evening of the 13th, he saw Barrett at the corner of Glasshouse Street. Up to that time Barrett had worn whiskers and beard joined; but now his whiskers were gone. Mullany continued: "I chaffed him about his whiskers being off, and he said, 'Don't speak so loud; it was I who fired the barrel.' I then asked who was with him at the time, and he said that Murphy was with him, and that he had taken off his whiskers for fear of identification." Mullany added that he did not see Barrett again until he saw him before Sir Thomas Henry at Bow Street Police Court. The witness next said that he himself

had been arrested on the Thursday after the explosion, on the charge of treason-felony, and that he had then determined to turn Queen's evidence, and to give his testimony against the accused.

Mullany was subjected to a long cross-examination by the counsel for the Desmonds, Barrett, and English, and, when asked if he expected to get punished himself, answered: "I don't know; I am the property of the English Crown," a remark that seemed to amuse Barrett hugely. He added that he had informed to save himself for the sake of his family.

Vaughan's evidence was to pretty much the same effect as Mullany's. He, however, gave a few additional particulars. He said that after the explosion he had a conversation with English, who said: "For God's sake, James, get as much money as you can, as we want to send them away." He replied: "Send who away?" and English said: "Why, those who have blown up the House of Detention." They were standing outside a newsvendor's shop at which a newspaper bill was exposed, with the line "Diabolical Outrage" upon it. English said: "Yes, it *was* diabolical, and we will burn the whole of London yet, and that will be more diabolical." Vaughan also gave some important evidence against O'Keefe.

Cross-examined by me, the witness admitted that he had been in the army, and that, after being tried by court-martial, he had been reduced to the ranks from the position of corporal. He further admitted that, since he had turned Queen's evidence, he had been receiving payment from the police; that he had no other means of subsistence; that he had determined to turn Queen's evidence on seeing a placard offering a reward to any one who would give information; that he put himself in communication with the authorities three hours after reading the placard; and that he expected to get a portion of the reward if the men were convicted.

Several other witnesses were called, who deposed to seeing the various prisoners at different times, prior to the explosion, in the immediate neighbourhood of the House of Detention, the bulk of the evidence being directed against Barrett.

One of the witnesses positively swore that he saw Timothy Desmond, in company with O'Keefe, wheel the truck carrying the barrel of powder to the prison wall, on the day of the explosion.

The prison-warders were among those who gave evidence. They deposed that upon the day of the outrage, all the prisoners were taken out to exercise at a quarter to three. The

prisoners formed themselves into two rings, and Burke occupied a position on the outer ring.

A warder named Maskell said that he saw Burke fall out of the ranks near the wall, take off one of his side-spring boots, wipe his foot with his stocking (looking up as he did so at a house in Corporation Lane), then put on his boot again and rejoin the others. All this, the warder added, was done very slowly, and shortly afterwards the explosion took place. Evidence was also given that at noon on the 13th, Ann Justice came to see Casey at the House of Detention, stating that she was his aunt. She was accompanied by a Mrs. Barry, who represented herself as Casey's sister. They left between one and two o'clock. At ten minutes to three that afternoon, Ann Justice was seen with Timothy Desmond close to the prison wall. Immediately after the explosion she was again seen—in company with Timothy Desmond—running away from the scene of the outrage.

An important piece of evidence was given by another warder. He said that he was in the prison-yard shortly before the explosion, and saw an indiarubber ball come over the wall. It was proved that, shortly before the explosion, the prisoner Burke was searched, with the result that a glass tube and ball were found in his possession. The ball held a liquid which, on being analysed by Dr. William Odling, the celebrated chemist, was found to contain crystals which, when dissolved in water, possessed the quality of making impressions that would remain invisible until copperas, or one of several other chemicals, was applied to it.

A number of witnesses were called to corroborate the evidence of the informer. They deposed to seeing, on various occasions, Mullany and Vaughan in company with the various male prisoners. In order to prove that Burke was a Fenian, a third informer, with the pastoral name of John Joseph Corridon, was put into the box. He described himself as having been an officer in the Federal army of the United States. Burke, he said, had also been in the American army, under the name of Winslow, and they had been well acquainted. Burke had been a Captain in the 15th New York Engineers. The witness swore that Burke was a Fenian.

The visitor's book of the prison was produced, and from this it was seen that, as alleged, Ann Justice had been among those who had visited Casey.

This closed the case for the prosecution. I submitted to the Court, on behalf of Ann Justice, that there was no case to

go to the jury, whatever suspicions might exist as to her knowledge of the Fenian confederacy, and of her having been a member thereof. There was, I pointed out, no actual evidence that she took part in the proceedings which caused the death of Ann Hodgkinson.

After a consultation with Baron Bramwell, lasting some eight or ten minutes, the Chief Justice replied that their lordships could not say that there was no evidence against the woman, but they held that the evidence against her was slight. Upon this the Attorney-General conferred with the counsel associated with him, and then said that, after his lordship's observations, he and his learned friends had determined to withdraw the case as against Ann Justice, and were willing that, so far as she was concerned, a verdict of acquittal should be taken at once. Under the direction of the Court, the jury then returned a verdict of "Not Guilty" as against Ann Justice; and here occurred a very touching incident. The female warder signified to her that she might go. Ann Justice rose to leave the dock; but before she went down the stairs leading to Newgate (for all prisoners, on being acquitted, had to go back to the gaol to be formally discharged), she turned round to where Barrett was sitting, seized him by the hand, and, with two large tears rolling down her cheeks, kissed him gently on the forehead. Then she hurried away. This was not a very judicious proceeding, perhaps—but how like a woman!

The counsel for the other prisoners next addressed the Court.

Mr. Baker Greene on behalf of Barrett, intimated that after his opening speech for the prisoner, he intended calling witnesses for the defence. As a matter of fact, it makes little difference what procedure is adopted, for the Attorney-General, or any other officer of the Crown, when conducting a prosecution, has, by virtue of his position, the right to reply. The speeches over, Mr. Greene proceeded to call his witnesses. They were Irishmen, and their evidence, which was of a very weak character, was intended to show that Barrett was not in the neighbourhood of the House of Detention when the explosion took place. On being cross-examined by the Attorney-General, each of these witnesses cut a very sorry figure.

During the whole of the trial, save when the approvers were in the box, the countenance of Barrett never changed. From the time that he entered the dock, to the hour for adjournment—which did not come on until late in the evening—he maintained the same cheery demeanour. Occasionally he handed pieces of paper to his counsel.

On Monday, 27th of April, the Attorney-General rose to reply, and he did not conclude his speech until three o'clock in the afternoon. The Lord Chief Justice, in his usual exhaustive style, then summed up the case to the jury.

I may mention that never, before or since, have I seen a Court of Justice so crowded as during this trial. The audience consisted for the most part of ladies. They came into Court as early as nine o'clock in the morning, and stayed until late in the evening, occupying their seats every day of the trial. I am bound to say that their interest principally centred upon Barrett.

When the jury retired to consider their verdict, the greatest excitement prevailed. For hours past, the only sound that had been heard was the voice of the Judge; now every tongue seemed to be loosened, and a babel arose. The large Court was crowded to suffocation. Even the passages leading into it were completely blocked with people, and, above the uproar of voices, one could plainly hear the distant hum that arose from the great crowd assembled outside Newgate, eager to learn the verdict.

CHAPTER XVI.

QUIS TALIA FANDO TEMPERET A LACRIMIS?

Return of the jury—An exciting moment—Barrett found guilty—The Judge's interrogation—Barrett replies, but is interrupted by his lordship—The prisoner receives permission to address the Court—Text of his speech—Some eloquent passages—His analysis of the evidence—Mullany, the "Prince of Perjurers"—Manly references to his impending doom—A moving peroration—The effect produced upon his hearers: not a dry eye in Court—The leading article in *The Daily Telegraph*—The issue pronounced unsatisfactory.

THE jury returned into Court after a long deliberation. The foreman, who led the way, was deadly pale. Having regard to the agitated condition of all the jurymen, it was clear that either one or more of the prisoners had been convicted. The names of the jurors were called over by Mr. Avory, the Clerk of Arraigns, amid a breathless silence; and upon the foreman being asked whether a verdict had been agreed upon, he answered in a low voice: "Yes." "Do you find William Desmond guilty of the wilful murder of Ann Hodgkinson?" the Clerk asked; and the answer was: "Not Guilty." "Do you find Timothy Desmond guilty of the same murder?"

"Not Guilty." "Do you find John O'Keefe guilty of the said murder?" "Not Guilty." "Do you find Nicholas English guilty?" "Not Guilty." "Do you find Michael Barrett guilty?" Here all in Court seemed to hold their breath to hear the foreman's reply. In an almost inaudible voice, he answered: "Guilty."

The Lord Chief Justice communicated for a moment with the Clerk of Arraigns, who went through the usual formula. Then the other prisoners were removed, and the Clerk, addressing the sole occupant of the dock, said: "Michael Barrett, you have been found guilty of the wilful murder of Ann Hodgkinson. Have you anything to say why sentence of death should not be passed upon you in due form?"

The prisoner, who was standing with his hands in front of the dock (and most remarkable hands they were, beautifully rounded, and almost like a woman's), said: "Yes, my lord, I should like to say a few words before your lordship passes sentence upon me, and I hope you will allow me to avail myself of this opportunity to do so." He then commenced to expatiate upon what he considered his country's wrongs, when the Lord Chief Justice interrupted him, remarking that that was not the time for any such observations. "Nevertheless," his lordship added, "I should be sorry to prevent you from saying anything you may desire to. What is it you wish to say?"

The prisoner then delivered a very masterly speech, and one that made a profound impression on those present. I cannot refrain from quoting fully its more important passages. He said:

"In answer to the question that was put to me, I have a great deal to say why sentence should not be passed upon me. Nevertheless, I do not intend occupying your lordship's time with anything I may have to say now, being fully conscious that no words of mine would in any way alter your lordship's mind on this matter. But I cannot allow this opportunity to pass without making a few remarks, as it is likely to be the only one I shall have on this side of the grave, to endeavour at least to place myself as I should like to stand before my fellow-men. In doing so, however, I shall be compelled to expose the means that have been resorted to in order to secure my conviction. I am not going to whine for mercy; yet, as a humble individual, will I address your lordship, and as one whose character has been ruthlessly and mercilessly assailed, and whose determination is to defend it against all odds so long as I have sufficient life left to enable me to do so.

Conscious I am of never having wilfully, maliciously, and intentionally, as I am charged, injured a human being, that I am aware of—no, not even in character. True, I stand charged with the most repulsive of crimes—that of murder; yet, when we come to examine the nature of the evidence on which I stand convicted, it will be found that there are no two witnesses who have not more or less—nay, directly—contradicted each other. If we place any reliance on the statements of those who profess to be eye-witnesses of the deed, they all agree in describing the man who fired the barrel as a tall man, evidently five feet ten inches, or more, in height. Consider the impossibility of mistaking a person of my humble appearance—five feet six inches, or so, high; and, taking these things into consideration, apart from the testimony—the incontestable testimony—which has been advanced in this Court, that I was not present at that time, I express it as my most firm conviction that there is not an unprejudiced man here—if it is possible that such a man can be found here—who can honestly believe me guilty. It is my conscientious conviction that the jury, who have so far descended to meet the requirements of the prosecution, do not, in their hearts, believe me a murderer. I will now, my lord, with your permission, endeavour, so far as my humble abilities will allow me, to review a little of the evidence that has been brought against me. It would be utterly presumptuous, and most unpardonable in me, to attempt to deal with the whole of the evidence for the prosecution, after the masterly manner in which my very learned counsel analysed that evidence last Friday; but, notwithstanding that, owing to some remarks of the Attorney-General in summing-up, and of your lordship when you charged the jury, I am compelled to revert to that evidence again. I will first speak of my arrest in Scotland, and of the way in which I was subsequently smuggled to London. When first arrested in Glasgow on the charge of firing a pistol off on the public green of that place, I was taken to the station, searched, and nothing was found upon me which even the police of Glasgow could twist into a charge against me. Having so failed, I was set at liberty; but before that I gave them my name and address, which, I think you will agree with me, it is highly improbable I should have done had I been apprehensive of being arrested on a charge of murder. After that they came to my lodgings, and arrested me, giving as a reason that they had found the pistol of mine, three shots of which I had fired on Glasgow Green. I was brought up on two succeeding days at the Police Court for

the purpose of examination, without its being proved—after the police taking nine days to inquire—that a single syllable I had uttered was untrue. Everything I said they found to be correct, and every single reference I had given them to be true. But then they discovered that I was just recovering from a long illness, with means exhausted, and without friends, so that if they got me out of Scotland, I was completely in their power, and utterly incapable of the slightest resistance; and, consequently, I was hurried off to London without the slightest possible pretence for doing so, and without attempting to inquire into my case in a place where I could at once, and without the slightest possibility of doubt, have proved my innocence. I don't now allude to the high authorities of Glasgow, but mean, little, petty, truckling officials, who are to be found in all police stations, who will have recourse to the most heinous acts of injustice for the purpose of advancing their own individual interests, and even to gain the smile of a superior. I have no doubt they are now congratulating themselves upon the success of their scheme."

Proceeding to refer to the evidence of one of the witnesses, a boy named Wheeler, the accused said:

"He failed to identify me until a wretch, wearing the uniform of an officer, brought the boy back and held him by the shoulder until he was compelled to admit that he knew me."

He then went on to comment on the evidence of another witness, whose name was Bud, and to analyse, not without some skill, the evidence given on behalf of the Crown. Regarding that evidence, he said:

"Here, standing as it were looking into my grave, I most solemnly declare that at the time these people sware I was in London at these different places——"

Here he broke off, and seemed to be engaged in earnest thought.

The Lord Chief Justice remarked:

"Is there anything more you wish to say?"

Barrett pulled himself together at once, and proceeded:

"I now come to the evidence of that Prince of Perjurers, Mullany, and his satellites;" whereupon the convict analysed Mullany's evidence, contrasting it with that of two other witnesses, named Morris and Keppel. He next dwelt upon what he described as discrepancies between the evidence of the boy Morris and Mrs. Keppel, as to his being at Mullany's house, contending that if the jury were satisfied to accept the statement as corroborative evidence, they would find few persons to take

the same view. How was it, he would ask, that Mrs. Mullany had not been called to establish the identity between himself and the man known as Jackson? There was no doubt that the Crown would have brought her forward if her statement could have supported their theory. There was one thing that the Attorney-General, with all his ingenuity, had found it difficult to account for. Mullany had stated that he (the speaker) and Murphy had come from Glasgow with the avowed intention of rescuing Burke from prison, whereas Mrs. Keppel had sworn that he (the speaker) had been in the habit of visiting Mullany's house for six weeks before the explosion. Burke had only been arrested three weeks before, so there was an obvious discrepancy. Indeed, that was a sample of what all the evidence was worth, when it came to be sifted, and yet the Attorney-General saw in it corroborative testimony sufficient to send a human being to the scaffold. With reference to that "fiend of iniquity, Mullany," he would "pass him over with as few words as possible, as though by the very mention of his name," he should "inhale the most deadly poison. I will," added the speaker, "allow him to remain in his misery and wretchedness without further reference."

The prisoner then went on to say:

"And now, my lord, with reference to the Clerkenwell explosion, I will just say a few words. It is, I know, useless for me, nor do I intend to enter upon any protestations of innocence, being fully conscious that no declarations of mine will have the slightest tendency to prevent your lordship from taking the course that you have already determined to pursue; but this I will, and can most solemnly declare, that there is no one who more deeply commiserates the sufferers from that explosion, and no one who more earnestly deplores the fatal consequences of that occurrence than I do. No, I am not one who can rejoice over the miseries and sufferings of my fellow-creatures, the statements of Mullany to the contrary notwithstanding. Him, even him, I can forgive, and pray that his sufferings may not be so great as he deserves. I also wish to correct a statement which has been made here—an inference, at least, which has been made, and which I think has been more or less believed—that I am the author of the explosion. I can honestly declare that never has a greater mistake been made; indeed, there is no one, unless their reason is completely clouded by their prejudices, who could for one moment entertain such an idea. To give me credit for such an undertaking is utterly absurd; being, as I am, a total stranger to acts of

daring, and without any experience which would in any way fit me for engaging in such an enterprise. Is it not ridiculous to suppose that in the City of London, where, according to Sir Richard Mayne, and *The Pall Mall Gazette*, there are ten thousand armed Fenians, they would have sent to Glasgow for a party to do this work, and then select a person of no higher standing and no greater abilities than the humble individual who now stands convicted before you? To suppose such a thing is a stretch of imagination that the disordered minds of the frightened officials of this country could alone be capable of entertaining. It is asked why I did not bring up the master of the lodging-house, or those with whom I was employed. I, at the time, communicated to the police the information that I was at the time out of employment, but I did give them my address, and I gave them the name of the man with whom I had worked for years; but they carefully avoided publishing the result of their inquiries. It is asked why did I not bring these forward at the Police Court? I instructed my solicitor in all these facts, and therefore the matter does not rest with me."

The prisoner then went on to say that he was far from denying, and force of circumstances would never compel him to deny, his love for his native land. He loved his country, and he would candidly and proudly own it. "If," he continued, "it is murder to love Ireland more dearly than life, then indeed I am a murderer. If I could in any way remove the miseries or redress the grievances of that land by the sacrifice of my own life I would willingly, nay, gladly, do so. If it should please the God of Justice to turn to some account, for the benefit of my suffering country, the sacrifice of my poor, worthless life, I could, by the grace of God, ascend the scaffold with firmness, strengthened by the consoling reflection that the stain of murder did not rest upon me, and mingling my prayers for the salvation of my immortal soul with those for the regeneration of my native land."

This brought Barrett's speech to a close, and the sentence of death was then passed with the usual formalities.

During the delivery of the speech I think I can safely say that there was not a dry eye in the Court. The sobs of the ladies were distinctly audible. Two or three of them fainted, and had to be carried out of Court. Even the oldest of the barristers and the Chief Justice himself betrayed considerable emotion while Barrett was speaking.

I cannot refrain from making some quotations from a

leading article that appeared in *The Daily Telegraph* on the following morning:

"Interesting in one respect, the issue of the trial is strangely unsatisfactory. While the police charged six persons with the crime, they have afforded proof sufficient to convict only one. The case against O'Keefe and Ann Justice utterly broke down, and, when sifted, that against the Desmonds and English was seen to be far from complete. The police have manifestly failed in some way. Barrett must have had accomplices, either in the persons arraigned along with himself, or in others who are still at liberty. . . . . We do not wish to bear hardly on the police, who have had to perform an intensely perplexing task, and, in many respects, have performed it well. But it is difficult to avoid the conclusion that they have fallen into their old blunder of sticking too closely to one line of search; that they have been content to follow the clue which they at first obtained, and that they have allowed the real culprits to escape. The Cannon Street murderer is still at liberty; so is the person who shot the bandsman, M'Donnell; and now we have a nest of murderers defying our search. It is impossible for the public to regard such repeated failures of justice without grave disquiet. Fortunately the prime author of the Clerkenwell explosion—the man who set fire to the barrel—has not escaped. Barrett has been found guilty and sentenced to death; nor could the jury have returned other than a fatal verdict. The proofs . . . were too many, too strong, and too direct to be set aside."

The concluding passages of the article were as follows:

"Barrett is to die; and he will die justly, since the evidence that he committed an infamous crime is complete; and his fate is all the more deserved because he is evidently a man of high intelligence. Before receiving the sentence, he delivered a most remarkable speech, criticising with great acuteness the evidence against him, protesting that he had been condemned on insufficient grounds, and eloquently asserting his innocence. Such an address, of course, cannot shake the conviction that he is guilty, but it excites regret that a man of mental power should have become the instrument of assassins, and should have to expiate on the scaffold the guilt of an infamous crime."

In reference to the opening passages in that article, I cannot help remarking that it is a curious coincidence that the same fault is being found with the police of to-day as was found with the police of 1868. Thus it may be inferred by

some that since 1868 the force has not deteriorated; but this opinion I, for one, cannot endorse. In my judgment the force has deteriorated considerably. I am not now speaking about its discipline, and its capacity for keeping the streets, but about its ability to detect crime. At the time of the Clerkenwell explosion we had a regular detective force—that is to say, a separate organisation for unravelling the mysteries and complications of crime—but that force we never hear of now.

CHAPTER XVII.

NIL DESPERANDUM.

Another Fenian trial—The indictment—Evidence of informers—Details of a ludicrous plot: Chester Castle to be seized—Result of the trial—A shrewd Jewish solicitor—He sends me a "dead" case—The value of bristles—Conclusive evidence—How the police found the stolen property—Our consultation—Unaccountable merriment of the solicitor—"Not a leg to stand on. Ha! ha! ha!"—The thirteenth juryman—He makes a sad statement, and is allowed to serve—An unexpected occurrence: the jury ask to retire—Hours pass, and no verdict is returned—An extraordinary *denouement*—It is explained.

On Tuesday, April 28th, George Berry (*alias* Richard Burke, *alias* Winslow), Joseph Theobald Casey, and Henry Shaw, were indicted for that they, together with divers other persons unknown, did feloniously compass, devise, and intend to depose our Lady the Queen from the style, honour, and royal name of the Imperial Crown of the United Kingdom; and that they did manifest such intent by certain overt acts, set out in the indictment. In other counts, the overt acts were said to have taken place in Ireland and in the county of Warwick.

The case had been removed from that county, where in due course it would have been tried in the capital town, under the provisions of the 19th and 20th Vic.

The trial took place in the Court where Barrett had been sentenced on the previous day. The same counsel as before represented the Crown, while Mr. Ernest Jones, the celebrated Chartist leader, appeared for Burke, Mr. F. H. Lewis for Casey, and Mr. Pater for Shaw. The Judges were Mr. Baron Bramwell and Mr. Justice Keating.

The reason why the actual venue of the case was Warwick was because it was alleged on the part of the Crown that the prisoners were members of the Fenian Confederation, and

that, in pursuance of certain plots and plans, they had proceeded to Birmingham to purchase arms and ammunition to distribute among the Fenian brotherhood in England and Ireland, and to procure gunpowder and other destructive materials for the purpose of destroying public buildings, and, by other means and devices, to overthrow the Government of Her Majesty the Queen.

I was not engaged in this case; but I must briefly refer to it, as it was for attempting to secure the release of Casey and Burke, that Barrett was condemned to death.

The principal witnesses who testified to the accused being Fenians were two informers—Corridon, and a man named Godfrey Massey. Corridon stated that he himself became a Fenian in 1862, when he took an oath to overthrow the British Government, and to establish a Republic in its stead. He remained a member of the Federation until 1866, and, in the interval, attended several Fenian meetings. At one of them, held in Douane Street, he saw Burke. A man named O'Mahony, who was at the head of the Fenian organisation in America, attended the meeting, and none but leading members were present. The witness went on to say that, in 1865, after that meeting, it was resolved, in Burke's presence, that certain military men should be sent over to Ireland to command the people of that country in the event of a rising. The witness subsequently went himself over to Ireland, where he met Colonel Thomas Kelly and Stevens, the heads of the movement in Dublin, and was afterwards sent to Liverpool in the capacity of paymaster of the organisation. At certain Fenian meetings, held at Liverpool in 1866, and at which Burke was present, a plot was formed for an attack on Chester Castle. It was arranged that Burke and Shaw should buy the firearms, and that men should go to Chester from Liverpool, Manchester, Leeds, and other large towns, acting under the orders of their various centres. In all, some 2,500 men were, it was decided, to take part in the work. Chester Castle was a great depôt for the storage of arms; and it was arranged that, after the building had been captured, these arms were to be taken out and conveyed to the mail-train, which was to be seized for the purpose. The telegraph-wires were to be destroyed, the mail-train was to proceed to Holyhead, and the railway lines were afterwards to be torn up. On the arrival of the train at Holyhead, the mail-boat was to be seized and the arms taken on board, the captain being retained to take the vessel to the Irish coast. The night of the 11th of

February was fixed for the attack on the Castle. The witness explained that he informed the Government of these plans in the September of the preceding year.

Massey corroborated the statements of the previous witness; and several persons from Birmingham testified to the purchase of arms, ammunition, etc., by the prisoners. It appeared that these arms and ammunition were bought in small quantities, but to a large extent.

After a somewhat protracted trial, Casey was acquitted, but Burke and Shaw were found guilty, the former being sentenced to fifteen, and the latter to seven years' penal servitude.

At somewhere about this period, I numbered among my clients one of the shrewdest men I ever met in my life. He was a solicitor in large criminal practice, who was known, feared, and trusted by all the thieves, burglars, and receivers—especially by the last-named—in this great metropolis. A member of the Jewish community, he was an old man of remarkably sharp appearance, and of diminutive stature. One Saturday preceding the opening of the Sessions of the Central Criminal Court, I was sitting in my chambers, when a brief was handed to me from the office of the gentleman alluded to, a message accompanying it to the effect that he would meet me for consultation, at five o'clock, at the chambers of Mr. Montagu Chambers, in Child's Place. I read my instructions, and found that the case was as dead a one as could well be imagined. One Solomon Isaacs was charged with receiving a quantity of stolen property, including several cartloads of bristles. Until that moment I did not know how high is the commercial value of bristles. They command a very considerable price.

The man had been suspected by the police for some time. Vans of stolen goods had been on several occasions traced to the immediate neighbourhood of his house, and then, somehow or another, mysteriously lost sight of.

It was the old story over again. One of the thieves gave information against the receiver. A cordon of police was drawn round Solomon Isaacs' house, and Sergeant Ham and another officer entered it. On searching the building itself, the police found nothing. However, at the other end of the garden, across a lane, and apparently in no way connected with the house itself, were some outhouses. As a result of certain information received, the police made it their business to search these outhouses. They proved to be crammed with a marvellous assortment of articles, including pier-glasses and

carpet-brooms. No bristles, however, were found in the heterogeneous collection. The police knew very well that they could rely upon the truthfulness, or rather upon the treachery, of their informant; and a further search was made about the premises. Presently the sharp eye of Ham noticed that some of the earth in the garden had been recently turned. Spades and shovels were procured, and the officer commenced to dig, with the result that, five or six inches from the surface of the ground, he discovered the stolen bristles. When taken into custody, Solomon Isaacs endeavoured to escape. He also made a variety of conflicting statements. Thus it was apparent that the case against him was a dead one.

The meeting took place at the appointed hour at my leader's chambers, and on this occasion my little Jewish client was in more excellent spirits than I had ever seen him before. The more my leader and I expressed an opinion adverse to his case, the more delighted he seemed to be. Upon my leader declaring that we had not a leg to stand on, the little fellow was seized with an uncontrollable fit of merriment.

The meeting over, my client accompanied me back to my chambers in King's Bench Walk. As we shook hands on parting, he exclaimed:

"Not a leg to stand on, eh? Ha! ha! ha! We shall see about that! Be early in Court, my boy; the early bird, you know. *Nil desperandum* is my motto. Not a leg to stand on! Ha! ha!" and, leaving me speechless with astonishment, he vanished in the darkness with an unearthly kind of chuckle.

On the morning of the trial, acting on my instructions, I made my appearance in Court five or ten minutes before the business of the day commenced, and there, seated at the solicitors' table, I found my little friend attentively reading the columns of *The Daily News*. I observed, though the circumstance did not particularly engage my attention at the moment, that there was a solitary juryman in the box, who was also occupied with one of the morning papers.

In due time the Recorder, Mr. Russell Gurney, came into Court, whereupon the Clerk of Arraigns, as is customary, read over the names of the jurymen. To the astonishment of everybody there were thirteen in the box!

Upon the matter being investigated, the man whom I had noticed on entering the Court, rose and addressed the Bench.

I should explain that this individual was the most melancholy-looking man I have ever seen. He was dressed entirely in black, and looked the very picture of misery.

"My lord," he said, "I am afraid that I am the cause of this confusion. I am in the list of jurymen for to-morrow; but I have had a great misfortune happen to me. I have lost my wife."

The Recorder, who was one of the kindest-hearted men in the world, said he was sorry that the juryman should, under the circumstances, have thought it necessary to be present, and offered at once to release him from any further attendance during the session.

"Thank you, my lord," said the melancholy-looking individual, "but I would rather serve to-day, if you will allow me. I think the business of the Court will distract my attention, and help me for the time being to forget my loss. Perhaps one of the other gentlemen will leave the box now, and will serve for me to-morrow, when I have to attend the funeral."

The request was granted, and a gentleman stepped from the box. The jury was then sworn. I noticed that when it came to the turn of the melancholy-looking man to take the oath, he did so with his hat on, being sworn on the Old Testament. The prisoner pleaded "Not Guilty," and the trial commenced.

The evidence that was brought forward bore even more heavily upon the accused than I had anticipated. My leader, in addressing the jury, did the best he could under the circumstances, but entirely failed to produce any effect. The Judge, having summed-up, asked the jury if they desired him to read over the evidence. Upon the foreman replying in the negative, his lordship directed them to consider their verdict. They turned round, and, after an interval of five or ten minutes, to the surprise of everybody, there were symptoms of disagreement in the box. The Judge again asked if he should read over the evidence, adding: "Is there any question you wish to ask, or can I assist you in any other way?"

The foreman, whose temper was apparently ruffled, replied, before any one could stop him, that all except one were agreed. The usher was then sworn and the jury retired; the last to leave the box being the melancholy-looking man, who carried a portly-looking great-coat on his arm.

Hours passed, and yet no verdict was returned. At five o'clock, the usual hour for the rising of the Court, the jury were sent for, and, in answer to the usual question, the foreman said there was not the slightest prospect of their agreeing. The Recorder, who was then the Member for Southampton, expressed his intention of going down to the House, and

of returning at ten o'clock, observing that, even if he had to keep the jury there all night, he would never discharge them until they returned a verdict.

At ten o'clock the Recorder returned. Still no verdict was forthcoming. The jury were again sent back to their room. Five hours elapsed, and then—namely, at three o'clock in the morning—the usher came into Court with the intimation that the jury had agreed. The twelve men dragged their weary steps into the box, their names were called over, and the foreman returned a verdict of "Not Guilty."

I shall never forget the excitement of my little friend the solicitor. He was wide awake sitting in the well, where he had remained all the time, going out neither for bit nor sup. He absolutely danced with delight. "Not a leg to stand on! Not a leg to stand on!" he exclaimed in my ear, and then hurried the prisoner from the dock.

I was, I must confess, staggered at the result of the trial. Having unrobed, I was leaving the Court-house, when, in the lobby, I chanced upon one of the jury. I could not resist the temptation of asking the meaning of so extraordinary a *dénoûment*. "Lor' bless you, sir," said he, "it was that miserable-looking chap as lost his wife. There never was such an obstinate, disagreeable fellow born. From the first he said he had made up his mind that the prisoner was not guilty, and he said he would never consent to a verdict the other way. When we went to the room, he put his great-coat down in a corner, curled himself up on it, and commenced reading the newspaper. When any one spoke to him he said he wouldn't answer unless they'd come over to his way of thinking. The worst of it was, sir, that we had nothing to eat or drink; but this obstinate chap kept eating sandwiches and drinking brandy and water from a great flask he had brought in his pocket; and when we asked him for some he burst out laughing, and said he wouldn't give us a mouthful between us. Well, sir, what was the good of our sticking out? There we was, and the Recorder had said he wouldn't discharge us; so we should have stopped there and starved. One by one gave in, until we all agreed to 'Not Guilty.'"

The next morning I had occasion to pass the little solicitor's office, and whom should I see coming out of it but the obstinate juryman. Strange to say, he no longer wore a melancholy expression, and, in place of the black clothes of the previous day, he was attired in a light tweed suit, such as a tourist affects, and had a merry, self-satisfied twinkle in the eye.

CHAPTER XVIII.

AURUM PER MEDIOS IRE SATELLITES
ET PERRUMPERE AMAT SAXA.

An attempt to corrupt the police—Trial of Critchley and Richards—Ham's evidence—Fatal termination of a fight—Trial of those who took part in it—A nice point: boxing or prize-fighting?—Mr. Baron Bramwell hesitates—He consults Mr. Justice Byles—The final decision, which settles the law on the subject.

TOWARDS the end of 1868, a rather remarkable trial took place at the Old Bailey. I refer to it, not so much on account of its general interest, as on account of the illustration it affords of how an attempt may be made to corrupt the police by the higher class of criminals; by which I mean professional thieves who, by their malpractices, have amassed a considerable amount of money. Two men, William Critchley and Thomas Richards, were charged with offering and giving to James Ham and George Ranger, detectives of the Metropolitan Police force, the sum of £20 to induce them to give false evidence at the hearing of a charge against William Green and William Simpson. Ham himself, in the witness-box, told the story of the attempted corruption.

On the 17th of May, he apprehended Green and Simpson for having in their possession a gold watch and chain supposed to have been stolen. He searched Simpson's house, and found there, under somewhat suspicious circumstances, a quantity of property. The case came before the Magistrate at the Lambeth Police Court on the 8th of May, and it was adjourned until the following Wednesday fortnight. On Saturday night, the 22nd of May, Ham received a letter, in consequence of which he went to the Elephant and Castle. He there saw Richards, who said: "Well, Jimmy, how are you? Come over the way and have a glass." They then adjourned to the "Rockingham Arms" public-house, and after they had had some refreshment they left. They then walked down the road together, Richards taking Ham by the arm, and saying: "Jimmy, I'll tell you what I want to speak to you about. You and Ranger have got old Black Myles and Jimmy Green, haven't you?" Ham replied in the affirmative. "I suppose," said Richards, "you don't want to get them convicted, do you?" The answer was: "No; not particularly." "Well," continued the tempter, "old Billy Critchley has been down to me, and he wanted me

to see Potter" (the Inspector of Police); "but I said 'no, that won't do.' Now look here, Jimmy, old Billy says you can have twenty quid, and no one shall know anything about it except you, me, and Ranger. You can let the poor devils get turned up. You are sure to have them later on for something better. The stuff you found hasn't got an owner yet. We can send some party down to buff for it" (a thieves' expression for "identify"); "and you can easily say before the Magistrate that you've made inquiry about the property, and you believe it belongs to the prisoner in Court."

Ham now put himself in communication with his superior officers in reference to the affair, and from that moment he acted under their direction. An appointment was made for the purpose of the £20 being handed over, and a meeting accordingly took place between Ham, Ranger, and Richards. The last-named was asked if he had brought the money, and he replied: "No; you must get the men turned up first. We'll leave the money with the landlord of the ——" (mentioning the name of a public-house well known as a resort of thieves). "When the men are turned up, you can go there and collar the quids." Upon Ham and Ranger demurring to this proposition, Richards said: "Well, old Billy Critchley won't part with it. I'll go down and fetch him, and you shall settle it with him your own way."

This was precisely what the officers desired; for they had made arrangements for arresting both men. After being searched at the station—so that, if necessary, it might be subsequently proved that neither had any money in his possession when he entered the public-house—they had been followed by several other police officers, who were instructed to keep them well in sight, and to be in readiness to afford assistance at a moment's notice.

Presently they were joined by Critchley and a well-known thief, nicknamed "the Barrister." The former said: "Tom tells me, Mr. Ranger, you is a perfect gentleman; but I don't know you as well as I do Jimmy" (meaning Ham). The speaker then put his hand in his trouser pocket, and passed something to Richards, who thereupon handed ten sovereigns to Ham, and a similar sum to Ranger. Critchley, turning to Ranger, then said: "Well, my time is precious, governor; I must be off." As he emerged from the door of the public-house, he was seized by two constables, and simultaneously Ham and Ranger arrested Richards.

This was the story as told by Ham, and it was fully cor

roborated by Ranger. The prisoners were both found guilty, and both sentenced to two years' imprisonment with hard labour.

That the case was considered of some importance was shown by the fact that Mr. Hardinge-Giffard, Q.C., and Mr. Cooper appeared for the Commissioners of Police, who prosecuted. Critchley was defended by Serjeant Ballantine and myself; while the case of Richards was entrusted to Mr. Metcalfe and Mr. Douglas Straight.

I was always a favourite with professors of the noble art of self-defence; and I do not think that, at any rate during the last fifteen or sixteen years of my professional career, there was a case in London associated with the ing in which I did not appear as defending counsel.

One of these cases was tried before Baron Bramwell, at the Central Criminal Court, and as it, to a certain extent, decided the law upon the subject—the decision coming as it did from our highest authority—I may be allowed to refer to it.

John Young, William Shaw, Daniel Morris, Edward Donelly, George Flynn, and others, were charged with the manslaughter of Edward Wilmot. Shaw was the son of the celebrated Jimmy Shaw, of Windmill Street, Haymarket, well known to all the *jeunesse dorée* of that period who were of a sporting or "doggy" tendency. Donelly was the champion of the light-weights.

Messrs. Poland and Beasley conducted the case for the prosecution; Messrs. Ribton and Gough appeared for Young; and I was counsel for Shaw, Flynn, and the other defendants. A witness deposed that on the 9th of October, he went to the "Wrekin," in Broad Court, a house kept by George Shaw. Thence he went to the house of the prisoner, William Shaw, in Windmill Street, Haymarket. He had often been there before. A ring was always to be found in a room upstairs. The wall formed one of its sides, and the remaining sides were formed by stakes and a rope. He and Donelly acted as seconds for a man named Wilmot, and two men—Morris and Daw—acted as seconds for Young. The principals wore gloves. They were, as is usual, naked to the waist, their shirts being off. About a hundred persons were present, and occupied seats at either end of the ring. The men fought a succession of rounds, the contest lasting for about an hour. At the last round, Wilmot fell, in consequence "either of a shove or a blow" received from Young. On this point the witness was pressed, and he ultimately said that it was a blow, dealt somewhere in the face. Proceeding, he deposed that

when Wilmot fell, he struck his head against a post running up in the centre of the ring. The witness picked him up, gave him a drop of brandy, and, after dressing him, took him in a cab to the hospital. All the prisoners were present, taking an active part in the fight, as seconds, time-keepers, or referees. In cross-examination, the witness admitted that it was "only sparring, fairly conducted"; and that "time" was called. He also said that, with the exception of gloves being used, the ordinary rules of a prize-fight were observed.

Evidence was then given by the house-surgeon of Charing Cross Hospital. Wilmot, he said, was brought in insensible at twelve o'clock at night. He never regained his senses, and died at half-past six next morning. The post-mortem had shown that death was the result of a very severe blow or fall. The body was covered with bruises.

Inspector Silverton, who had charge of the West End district at that time, produced the gloves.

Upon the conclusion of the evidence for the prosecution, I submitted that there was no case against Shaw; and that the witnesses, having been spectators at an unlawful contest, must be regarded as accomplices, and, as such, would require to be corroborated. Mr. Poland replied, quoting a case that had been decided the other way. Mr. Baron Bramwell said it had occurred to him that the witnesses might have refused to give evidence on the ground that, by so doing, they might incriminate themselves. I further submitted that there was no evidence on a charge of manslaughter against any of the prisoners, death having happened in the exercise of a mere lawful sport. The Judge admitted that the difficulty was in deciding what there was that was unlawful in the contest. It took place in a private room; and was there any breach of the peace? No doubt if death ensued from a fight, independently of the fact that it took place for money, the case would be one of manslaughter. A fight was a dangerous thing, and likely to cause death; but the medical witness had stated that sparring with the gloves was not dangerous, and was not a practice likely to cause death.

Mr. Baron Bramwell then proceeded to the new Court, for the purpose of consulting Mr. Justice Byles. On returning, he stated that he retained the opinion he had already expressed. It had occurred to him, however, that even supposing there was no danger in the original encounter, if the men fought on until they were in such a state of exhaustion, that there was a danger of their falling and sustaining fatal

injuries, then the case might amount to one of manslaughter; and he proposed therefore so to leave the issue to the jury, holding over the point for the consideration of the Court for Crown Cases Reserved, should it become necessary.

The jury ultimately returned a verdict of "Not Guilty" against all the prisoners, and they were discharged.

CHAPTER XIX.

QUO FUGIT VENUS! HEU QUOVE COLOR.

Trial of Madame Rachel—Police Court proceedings—Mr. Knox—Ballantine, Straight, and I appear against Madame Rachel—Mrs. Borradaile's evidence—A description of that lady—Her introduction to Lord Ranelagh—What Mrs Borradaile paid to be made "beautiful for ever"—How she raised the necessary cash—Gushing love-letters from "William"—Ordering jewels, lace, trousseau, etc.—Faulty orthography attributed to the servant—His love was as warm as a lighted cigar—Lord Ranelagh's denial and explanations—The jury disagree and are discharged—The fresh trial—A verdict of "Guilty."

In the month of August, 1868, a very remarkable case was tried before the Recorder of London—that of Sarah Rachel Leverson, known to the world as Madame Rachel, a purveyor of all sorts of cosmetics, enamels, paint-powders, and rouges, who proclaimed, as one of the lures of her calling, that she had the power of making women "beautiful for ever." The case afforded a striking illustration of the vanity of some women, and of what tricks can be played upon them by the artful.

The matter had been originally inquired into at Marlborough Street Police Court, where I appeared as counsel for the prosecution. The magistrate before whom the case came was the celebrated Mr. Knox, who was, in my opinion, after Sir Thomas Henry, the best metropolitan magistrate on the Bench during the quarter of a century that I practised at the Bar. He was a little sensational, it is true, and at times, with the heavy strain of a very busy Court upon him, he was inclined to be irritable; but he was, nevertheless, a very able and painstaking magistrate. In the days of Delane—that prince of editors, for whom no worthy successor has yet been found—he was a leader writer on *The Times*. He was a most accomplished man, speaking several modern languages, and certainly the best story-teller I have ever come in contact with. The Court

at Marlborough Street was, and is, a most important one; and at last, from sheer hard work and over-pressure of the brain, my poor friend broke down. On returning home from the Court, he was seized one day in the streets with a very severe illness; and, as he had completed his service as a civil servant, he retired at once upon his full pension.

But I am forgetting Madame Rachel. Remand after remand took place; but eventually she was committed for trial. Serjeant Ballantine, myself, and Mr. Straight, were retained for the prosecution, while the interests of Madame Rachel were entrusted to Mr. Digby Seymour, Q.C., Serjeant Parry, Serjeant Sleigh, and Mr. Rigby—an array of counsel which clearly shows that making people "beautiful for ever" was not an unlucrative profession.

The charge against the accused was that of obtaining the sum of £600 from Mary Tucker Borradaile, by false and fraudulent pretences, and of conspiring to defraud her of various other sums amounting in the total to £3,000. The case was so extraordinary a one that I propose to give the evidence of the prosecutrix almost *in extenso*. Examined by me in chief, she said:

"I am the widow of Colonel Borradaile, to whom I was married twenty-two years ago. I first became acquainted with the prisoner in 1864. I saw in the newspaper an advertisement stating that Madame Rachel was 'purveyor to the Queen.' I went to her shop and had some conversation with her. She asked me how much money I had to spend. On my first visit I spent £10, and in the course of two or three days I had invested £170 with her. I paid her various sums of money for cosmetics, etc., during the latter part of 1864 and the commencement of 1865. Before purchasing these articles I asked her to do something for my skin, and she promised that, if I would follow out her course of treatment in every particular, she would ultimately succeed in making me beautiful for ever."

I do not wish to be at all unkind or ungallant; but how the witness could have been brought to believe such a consummation possible—if she had consulted a looking-glass and seen what Nature had done for her—I was, and always have been, utterly unable to comprehend. She was a spare, thin, scraggy-looking woman, wholly devoid of figure; her hair was dyed a bright yellow; her face was ruddled with paint; and the darkness of her eyebrows was strongly suggestive of meretricious art. She had a silly, giggling, half-hysterical way of

talking, and altogether gave one the idea of anything but the heroine of such a romance as we are about to follow.

The witness, continuing, said: "On one occasion I called upon Madame Rachel, who told me that she had had an interview with the gentleman who had fallen in love with me. On asking his name I was informed that it was Lord Ranelagh. I asked when he had met me, and the reply was—both before and after my marriage. Madame Rachel said that he had lost sight of me for some time, but that he had recently seen me. She said that she would introduce me to him the next day. She also said that he was a very good man, and very rich. Next day I called at Maddox Street, where the prisoner lived. The house is the corner one, being partly in Maddox Street and partly in New Bond Street. Madame Rachel opened the door and said: 'I will now introduce you to the man who loves you.' She then introduced me to a man whom I believed, and still believe, to be Lord Ranelagh. I said to him, 'Are you Lord Ranelagh?' and he answered, 'Yes; here is my card.' He then handed me a card, which I returned to him. The gentleman who gave me the card is the gentleman I now see in Court (Lord Ranelagh). Some conversation took place between us, and then Lord Ranelagh retired. I afterwards went with Madame Rachel to her room, and she told me that Lord Ranelagh would make me a good husband. This was the first mention there had been of marriage. I saw Lord Ranelagh there on several subsequent occasions. On one occasion Madame Rachel told me to go and take a bath. The baths were at a Mrs. Hick's, in Davis Street, Berkeley Square, close by. I took the bath, and on my return to the shop I found Lord Ranelagh there. Madame Rachel again introduced me to him. He made a bow to me, but I forget the conversation. Lord Ranelagh then again retired, and I had a further conversation with Madame Rachel. She again told me he would make me a good husband.

"At the end of May, or the beginning of June, Madame Rachel told me it was necessary that, before I married Lord Ranelagh, I should go through an extra process of being made beautiful for ever. I think Madame Rachel also said that the process was to be gone through at Lord Ranelagh's express desire. The sum I was to pay for this was to be £1,000. I went to the City with Madame Rachel, in a carriage, to sell out money in the Funds amounting in cash to £963. I then went back to Rachel's, where I saw a solicitor named H——. The £963 was never handed over to me, but I gave

this order to the solicitor, not in my handwriting, but signed by me:

"'Mr. H——, I request you to pay Madame Rachel £800 on account of £963 2*s.* 11*d.*, received this day.

"'(Signed) M. T. BORRADAILE.'

"Madame Rachel told me how to word it, and I wrote this receipt:

"'A receipt for £800, being balance of £1,000 received from me for bath preparations, spices, powders, sponges, perfumes, and attendance, to be continued till I (Mrs. B.) am finished by the process.'

"Madame Rachel said we were to be married by proxy, and that it was to be done by letter writings. She said she had married two parties before by proxy, and that I should be the third. About a month after the receipt was signed I began to receive letters. I received some of them before the jewellery was ordered. Madame Rachel told me that jewellery was necessary for the marriage, and that it would cost £1,400. She told me that the letters would be signed 'William' in case they should be left about. I knew at that time that Lord Ranelagh's Christian name was Thomas. At the time Madame Rachel gave me one of the letters, she also handed me a vinaigrette and a pencil-case, which she stated had belonged to his lordship's mother. The letter ran as follows:

"'MOUNT STREET.

"'MY ONLY DEARLY BELOVED MARY,

"'The little perfume-box and pencil-case belonged to my sainted mother. She died with them in her hand. When she was a schoolgirl it was my father's first gift to her. Granny has given the watch and locket to me again. Your coronet is finished, my love. Granny said you had answered my last letter, but you have forgotten to send it. I forgot yesterday was Ash Wednesday. Let old Granny arrange the time, as we have little to spare. My dearest one, what is the matter with the old woman? She seems out of sorts. We must manage to keep her in good temper for our own sakes, because she has to manage all for us, and I should not have had the joy of your love had it not been for her. Darling love; Mary, my sweet one, all will be well in a few hours. The dispatches have arrived. I will let you know all when I hear from you, my heart's love. Bear up, my fond one. I shall be at your

feet—those pretty feet that I love—and you may kick your ugly old donkey. Two letters, naughty little pet, and you have not answered one. You are in sorrow about your brother.

"'With fond and devoted love,

"'Yours, till death,

"'WILLIAM.'

"Madame Rachel was 'Granny.' I also received this letter from Madame Rachel's grand-daughter in her presence:

"'MY OWN DEAR MARY,

"'Granny tells me that you were to be with me at the Scotch Stores this afternoon. I waited outside 7, George Street, for two hours. I give you one warning; if you listen to your family I will leave England for ever. Mary, my own, I have to play a double game to save your honour and my own. It is now six o'clock, and I am wet, through walking up and down George Street. I have been asked all manner of questions. You must write and tell Lewis & Lewis you do not want them to interfere further in your affairs, or we are betrayed. And think of your position and name, and think of your daughter. Cope is at the bottom of all this. Mary, for the last time, choose between your family and me. If you value your own life or mine, do not admit Smith; he is the paramour of your greatest enemy. My heart's life, I will be at All Souls' to-morrow. I was at Randall's on Saturday last, a dirty corncutter's. If ever you go there again I shall cease to love you, if I can. If I call on you with a gentleman be sure to deny all knowledge of me, as otherwise we are lost. It is your name I study.

"'With fond and undying love,

"'Your devoted

"'WILLIAM.'

"Before I received that letter my family had been communicated with, and I had consulted Messrs. Lewis and Lewis. That letter was received after I had parted with all my money and securities. Almost all the letters were in different handwritings, but all the letters I received I believed came from Lord Ranelagh. Madame Rachel told me that his lordship had hurt his arm and could not write very well, and that his servant wrote some of the letters. I also received this letter from Madame Rachel:

"'My dear Mary,

"'I will be with you to-morrow as soon as possible.

"'Yours until death,

"'Edward.

"'My dearest beloved, write me a line—kisses.'

"'Mrs. Borradaile, care of Madame Rachel.'

"I pointed out to Madame Rachel that one of the letters was signed 'Edward,' and she said it was necessary in case I left them about. Before the month of August I had parted with £1,400, and before parting with it I received this letter:

"'Mount Street.

"'My darling Mary,

"'My own pet, do what I ask. I wish you to burn the letters, and all you do I dare say is for the best. My darling pet and love, many thanks. I know you will keep your promise. My sweet love, I will devote my life, and all my love to you. I cannot find words to do so. My devotion in years shall tell my heart's fond love for you, darling sweet one. I will tell you all at your feet.

"'My own loved Mary, with fond devotion, ever yours, with lots of kisses,

"'William.'

"On the envelope of that letter was written 'With love and kisses.' I wrote answers to those letters which Madame Rachel always dictated in her sitting-room. She always kept the letters I wrote, saying that she would give them to Lord Ranelagh. This is another letter that I received:

"'My dear beloved Mary,

"'I was in hopes I should have the pleasure of seeing you this day, but I am doomed to a disappointment. I hear you are grieving, my own darling pet. Am I the cause? I would rather be shot than cause you one minute's pain. Do you regret the confidence you have placed in me? You say you have no desire to reside at Cheltenham again, my love. You make what arrangements you think proper, and I am satisfied. I thank you, my love, for going to Covent Garden. Let me know by return, my pet, when you have finished with Mr. Haynes, as I find it impossible to wait any longer. Hope deferred makes the heart grow sick. I hear all is arranged

for the country, my own darling love. Do not let me have to chide you; only say what you require, and your slightest wish shall be obeyed.

"'With fond, devoted love,

"'Your affectionate and loving

"'WILLIAM.'

"I remarked to Madame Rachel that the spelling of this letter was bad, and she said that his servant must have written it. I also received another letter from Madame Rachel.

"I should say that, before receiving this letter, I had been told by Madame Rachel that Lord Ranelagh was going to Belgium with the volunteers.

"'MOUNT STREET.

"'MY DARLING MARY,

"'What made you suppose I would go to Belgium without you? It is cruel of you to think so. But after our disappointment of yesterday, I was in hopes that you would have complied with my wishes. I have left the message with Rachel. She told me last night that she expected you there, for sure, to-day. I had called there twice, and found you had not been. You said you would come after church. My own darling, I did not go to church this morning, and you know what prevented me from doing so. You must see Rachel to-night, as I may be ordered off by five in the morning. Pray, sweet love, call on her at once. I would rather be shot like a dog than leave England without you. I am half distracted at not finding you. There is no time to lose.

"'Your devoted, but loving friend for ever,

"'WILLIAM.'

"I also received this from the same source:

"'MY OWN BELOVED MARY,

"'Do not upbraid me. Any sacrifice you have made on my account I will not give you cause to regret. I am dunned to death at the thought of "the bills," and it all lies under a nutshell. I will show my love for you in such a way that you shall not regret all you have done for me, and I will repay it with love and devotion. See that fellow in Oxford Street, and tell him you will pay him in a day or two, and so you will. I am not angry with you, my own dear love. I will be with you sooner than you think. Your slightest wish

shall be obeyed; but I cannot understand why you prefer Mr. H. But I leave all to you, my love. Do not get into any mob. I heard you were insulted by a cabman in Oxford Street, yesterday. I wish I had been there.

"'With my fondest love,

"'Your devoted and loving,

"'WILLIAM.'

"I also received this letter:

"'MY OWN DEAR LOVE,

"'My sweet, darling Mary, I called at Rachel's to-day, and she looks as black as thunder. What is it, my sweet love, my own dear one? What you said last night I thought was in joke. Is it the bill that has annoyed you? What am I to do? I tell you again and again that you are the only woman I love. You have never been the same to me since you listened to all the slander. What is it you want? Write at once, and freely. There should be no disguise, my sweet pet, I love you madly, fondly. Why do you trifle with my feelings, cruel one?

"'Your ever loving, and most truly devoted, and ever affectionate,

"'WILLIAM.'

"'What have you done to offend Rachel?'

"I had seen a man named Bower at the shop. Rachel bought £380, or £400, worth of lace of him. I should, she said, require lace, as all ladies had lace when they were married. I have since paid Bower's bill, but I have never seen the lace. I have never had a yard of it. I received this letter with reference to the lace:

"'MARY, MY HEART'S LOVE,

"'Is it your wish to drive me mad? Granny has my instructions. Do as she tells you. Four letters, and not one reply. What is the meaning of the delay, at the eleventh hour? Granny lent me the money. You shall pay her, my own sweet one. Get the lace to-day and fear nothing. It will be £35. I will explain all to your satisfaction, my own sweet one. I have the acknowledgment for every farthing. Granny is our best friend, so you will find; we cannot do without her until we go away. I have some pretty little things for Florence, light of my heart. Your sister and her husband have behaved very badly towards you, if you knew all. I tell

you, love, if you are not careful they will divide us for ever. To the Strand to-day. Leave all to me, my own love, and fear nothing. If you have lost all love and confidence in your ugly old donkey, tell me; but this suspense is terrible. I receive letters every day, telling me that you only laugh at, and show, my letters. Mary, beloved one of my heart, do not trifle with me. I love once, I love for ever. Leave all to me. I guard your honour with my life.

"'With fond and devoted love,

"'I am yours devoted,

"'WILLIAM.'

"This letter had Lord Ranelagh's coronet and cipher upon it. It was either his coronet or his coat-of-arms. Madame Rachel took the letter from me and would not return it. This is another of the letters.

"'MY OWN DARLING MARY,

"'Why don't you do as Granny tells you? Why do you put obstacles in the way of your own happiness? Sign the paper; I will pay everything. My own darling love, if you marry, your pension will be stopped; therefore, it will not matter if you sign the paper. My own heart's life, I will pay everything. Not the value of a coin shall be touched belonging to you and yours. You, that have ever been loving and confiding, why do you doubt my honour and sincerity? What motive can you have, my love, for retaining those miserable scrawls of mine? I requested you to return them, and for the first time you refused to do so. Mary, my love, if you have sent them to your family, say so. If you wanted my life, I would lay it down at your beautiful little feet. Mary, you are my joy. I place your letters with your likeness in my bosom every night. Granny told me she would arrange everything to our satisfaction. Why need you fear, my own sweet love? I will not believe that you expose my letters, darling. Say you do not, with your own pretty mouth! This week will settle all.

"'Yours devotedly,

"'WILLIAM.'

"I also received this letter:

"'MY DARLING MARY,

"'I was ordered off at 11 o'clock last night; but I would not and could not go without you, my love. I would

rather resign than leave without you. Granny promised me the trial trip this week. Can you possibly arrange it for one night this week, my own sweet love? Mary, darling, my health is giving way under all this suspense. I have offered the money three times over, and they refused to take it. Granny will see to this, and we can pay her when all is settled. What you have done for me I will double with love and devotion. Get the lace from the Strand; you cannot possibly do without it. Granny has behaved very well with regard to money affairs, and she loves you as though you were her own child. The old fox is very clever, and will laugh at the Welshman. If you do not be careful, and be guided by me, love's labour is lost. The expenses will be £4,000. I am working day and night to save every shilling for you, my heart's life. Be sure to get the lace; Stevens has got the Post Office Order. What have you done with my three letters?

"'With fond and devoted love,

"'I am your devoted

"'WILLIAM.'

"The sentence about the lace had reference to getting it out of pawn. Madame Rachel told me it was pawned. I do not remember whether she said that she had pawned it. I always understood that it was pawned for Lord Ranelagh. Madame Rachel asked me to go to the Strand, and take it out.

"I received many more letters, but Madame Rachel always took them away from me. At the end of July, or the beginning of August, she said it was necessary I should have diamonds to marry Lord Ranelagh. She said she would send for Mr. Pike, a jeweller of New Bond Street. He was sent for, and he brought the diamonds into Madame Rachel's sitting-room. There was a coronet and a necklace. Madame Rachel told him what was required, and I ordered them. She put them round my head and asked me how I liked them. Mr. Pike said the price was to be £1,200 or £1,260, I am not sure which. I had not at that time £1,260, but I had some property at Streatham. I negotiated with Mr. Haynes for its sale. The property sold for £1,540. I wrote an order on Messrs. Haynes in Madame Rachel's presence. It ran as follows:

"'MY DEAR MR. HAYNES,

"'Will you kindly forward to Madame Rachel £1,400 on my account.

"'(Signed) M. T. BORRADAILE.'"

"I gave her various sums of money, as I thought, for Lord Ranelagh, from time to time. After the property was sold, Madame Rachel said I should have the diamonds of Lord Ranelagh's mother. She showed me an old-fashioned coronet, which she said should be altered. Madame Rachel said she would get the trousseau for our marriage. I ordered clothes and lace and jewellery. The articles were all sent to Madame Rachel's shop. I have never had one of them. She told me that Lord Ranelagh's servant would come for some of them. I never could get any of the articles back. She always said, when I asked for them: 'You must ask the man who loves you for them back.' I remember Madame Rachel on one occasion bringing me a lighted cigar, and saying that Lord Ranelagh's love for me was as warm as that. I executed a bond and gave it to Madame Rachel in December. I think it was to pay the sum of £1,600 to Lord Ranelagh. She then took me to a livery-stable, near a shop in New Bond Street, to select a carriage for my marriage with Lord Ranelagh. I selected one. She said that Lord Ranelagh's arms would be painted upon it. I parted with my money on the representations made to me by Rachel. This applies to every sum."

This concluded her examination by me in chief. Every one who was connected with that case must remember the stalwart military figure of Lord Ranelagh. He had been at the Police Court at the preliminary hearings before Mr. Knox, and he attended the trial at the Old Bailey, being accommodated with a seat upon the Bench. During Mrs. Borradaile's examination he sat with a half-puzzled look upon his face. The reading of the letters caused roars of laughter in the Court, and his lordship joined in the merriment.

Mrs. Borradaile was cross-examined somewhat severely by Mr. Digby Seymour, who commenced by saying to the witness:

"I hope you will not think me guilty of impertinence if I ask your age."

She replied:

"It is a very rude question, and it is of no use your pressing me upon the subject. I was married in 1846. The age of the bride is a question I shan't answer; but I was married twenty-two years."

Cross-examined by him, she went on to say:

"I have been in India, and have always associated with people of the highest principles and rank. I am acquainted with the style and usages of polite society; but I know nothing

about business. I went to Madame Rachel's in 1864, when I was suffering from a little eruption on my face. I made inquiries, saw the prisoner's name up, and saw the advertisements. I had a conversation with her about her process. She said it did not consist, as many persons had been led to suppose, in stopping up the pores of the skin with dangerous cosmetics. Neither was it in plastering up the skin by painting the face, which must be disgusting to all right-minded women gifted with common-sense. On the contrary, it was accomplished by the use of the Arabian bath, composed of pure extracts of the liquid of flowers, choice and rare herbs, and other ingredients equally harmless and efficacious. She said her charges were from one hundred to one thousand guineas, though she was not going to make me beautiful for ever then. She told me in 1866 that her regular charge was a thousand guineas for the whole process. I never took a bath at Madame Rachel's house. I agreed that Madame Rachel was to have £1,000. I do not know what benefit I derived from her treatment—very little. My skin is not better now than it was. She gave me some soap and powder, and something to put in the bath. My hair is all my own in the native colour. I have used a little of the Auricanus, that is, hairwash. I know that Lord Ranelagh's name is the Honourable Thomas Heron Jones. I wrote several things at Madame Rachel's desire; but do not know what they were."

A letter was here produced by Mr. Seymour.

"This letter is in my handwriting. It is as follows:

"'LONDON, *September 23rd*, 1866.

"'I, the undersigned, authorise Mary Rachel Leverson to dispose of all the property she has in her possession belonging to me: the bunch of seals, ruby ring, gold chain and cross, silks, linen, and sundry other things, of all of which a list has been given.'"

Several other documents having been handed to the witness, she admitted that they also were in her handwriting, and continued:

"I remember writing the following:

"'MY OWN DEAR WILLIAM,

"'I shall be able to leave home with you to-morrow at any hour you may think proper to appoint.'"

The letter then went on to allude to some neckties and socks which she had bought for Lord Ranelagh, and in reference to which the writer remarked: "Thank goodness they are paid for."

Mr. Seymour said:

"What did you mean by that?"

The witness replied:

"I wrote it at Madame Rachel's dictation—every word of it. I ordered some shirts for Lord Ranelagh. Madame Rachel told me to do so, and I really believed he wanted them. It was at that time I found out he was not very rich. I remember Madame Rachel saying that Lord Ranelagh was my husband in the eyes of the Almighty, for he had seen me in my bath at least half-a dozen times. What she meant, I do not know. He never did see me in my bath."

In order to substantiate the false pretences, it was necessary for the prosecution to put Lord Ranelagh in the box, and we did so, not only with that object, but in order to give his lordship an opportunity of stating upon oath what he knew of the transaction. Lord Ranelagh deposed:

"My name is Thomas Heron Jones. I have been frequently at Madame Rachel's shop, but I never authorised her to use my name in any way as representing a desire or intention on my part to marry Mrs. Borradaile. I never authorised Madame Rachel to request loans from her for me. I made no representations on the subject of jewels, and did not desire that such representations should be made—nothing of the kind. I am very anxious to see the letter stated to bear my cipher. I have no paper with my arms upon it. If I have any paper it is with the address of my street and my monogram upon it."

This finished his examination-in-chief by Serjeant Ballantine. He was then cross-examined by Mr. Seymour, who asked:

"What was the attraction that took you to Madame Rachel's?"

His lordship replied:

"I stand in rather an unenviable position. I have been so embroiled in this public scandal that I am glad to tell you. I had the same curiosity as any other gentleman to see the prisoner, who, I understood, had been able to get a large sum of money out of a lady. I understood this from a trial which took place some years ago. Curiosity led me to the shop. You don't suppose I went there to be enamelled. Madame

Rachel had received different articles on commission, and once or twice I bought two or three articles from her. I have often gone in to have a chat with her, as I have done at other shops. I think I saw Mrs. Borradaile once in the shop. I have no recollection of being introduced to her."

At the request of Mr. Seymour, Mrs. Borradaile was recalled, and subjected to a further cross-examination, which, however, did not elicit any fresh facts of importance. Mr. Seymour intimated that he did not intend calling any witnesses for the defence, and addressed the jury. The Judge having summed up, the jury retired, and after an absence of about five hours returned into Court, not having been able to agree upon a verdict. They were accordingly discharged.

It of course now became necessary that the trial should be proceeded with *de novo*. To go on with the case that session was found to be undesirable, and it was accordingly adjourned for a month, the prisoner being admitted to bail in two sureties of £5,000 each.

The second hearing took place before Mr. Commissioner Kerr. It commenced on Monday, September 21st, and ended on Friday, September 25th. The evidence for the prosecution was practically the same as before, and at its close Mr. Digby Seymour intimated that he proposed to call witnesses. This he did, in the persons of Rachel Leverson, the eldest daughter of the prisoner, and Leonte Leverson, the younger daughter. In the end the jury returned a verdict of "Guilty," and the prisoner was sentenced to five years' penal servitude.

CHAPTER XX.

SIMPLEX MUNDITIIS.

Madame Rachel again—A case that did not come into Court—A lovely woman seeks to improve upon Nature—She takes a bath at Madame Rachel's and loses all her jewels—Treachery of the wicked old perfume-vendor—The victimised lady confides in her husband—He seeks my advice—The decision we come to, and why—Serjeant Parry and his methods—His popularity—"They call her Cock Robin."

In the interval that elapsed between the time Madame Rachel's case was remanded from the Police Court and tried at the Old Bailey, my opinion was asked in another matter connected with the accused woman. As the facts are powerfully illustrative of the extreme stupidity of vain women, and as I

suppress the names of the parties concerned, there can be no harm in taking the reader into my confidence.

A West-End solicitor sought my opinion on the facts here set forth. His client, a lady of fortune and position, had seen the advertisements of Madame Rachel, and though, as I subsequently found out—for she attended a consultation at my chambers with her solicitor and husband—she was an extremely good-looking and attractive woman, she decided to see if it were not possible to improve upon Nature. She accordingly proceeded to the establishment in Maddox Street, and entered into an agreement with Madame Rachel as to what she was to pay for baths taken at the establishment, cosmetics, etc.; and I need hardly say that the rapacious old harpy insisted upon being paid in advance. One day the lady in question went to Madame Rachel's house for the purpose of taking a bath, and foolishly wore a number of very valuable rings upon her fingers, diamond ear-rings, and other jewellery. On divesting herself of her garments, in a dressing-room that was a short distance from, though in the same passage as, the bath-room, she took off these costly ornaments and placed them in a drawer. She then proceeded to the bath-room, leisurely went through the process that had been prescribed for her, and presently returned to the dressing-room. When she had finished her toilet, and was about to depart, she looked in the drawer for the articles she had deposited there, and, to her dismay, found they had all disappeared. She rang the bell, and upon the appearance of an attendant, asked to see the proprietress of the establishment. Madame Rachel was at once summoned, and upon being told of the loss in question, flew into a violent rage, or rather, to be strictly accurate, pretended to do so. She roundly declared that she did not believe any jewellery had been deposited in the drawer at all, and upon the unfortunate lady insisting that such had been the case, and demanding the return of her property, the wicked old woman turned round and said:

"It's of no use your giving yourself airs here. I know who you are. I have had you watched. I know where you live (giving the name and address of the lady). How would you like your husband to know the real reason for your coming here, and about the gentleman who has visited you here?"

The poor victim was so horrified by this, that, losing all presence of mind, she hastily quitted the shop. It was not until she had read of the Borradaile case, in connection with

the hearing before the magistrate, that she went to her husband, and told him of the loss she had sustained, and of the despicable trick that had been played upon her. The husband was a man in an exceedingly good position, and, after discussing the matter with me in consultation, he came to the decision which I think was a wise one—that it was better to put up with the loss of the jewellery than to face the disagreeable exposure that would be inevitable if the matter were brought into Court.

One of the ablest criminal counsel during my professional career was Serjeant Parry. He was exceedingly popular at the Bar. Remarkably solid in appearance, his countenance was broad and expansive, beaming with honesty and frankness His cross-examination was of a quieter kind than Serjeant Ballantine's. It was, however, almost as effective. He drew the witness on, in a smooth, good-humoured, artful, and apparently magnetic fashion. His attitude towards his adversary also was peculiar. He never indulged in bickering, was always perfectly polite, and was most to be feared when he seemed to be making a concession. If in the course of a trial he, without being asked, handed his adversary a paper with the words: "Wouldn't you like to see this?" or some kindred observation, let that adversary beware, for there was something deadly underneath. He was a very successful advocate in criminal cases, and had few equals in trials of *nisi prius*. Both he and Serjeant Shee (who was also a man of strong build) were wonderful in cases of tort, libel, and slander, and in actions at law *ejusdem generis*.

Parry was most popular on the Home Circuit. Leaders and juniors had an equal affection for him. He was a wonderful teller of anecdotes, fond of a good dinner, and a great judge of port wine. For many years he was a member of the Garrick Club, and numerous were the pleasant dinners given by him there. They took place in the little room opposite the smoking-room, and at those dinners I was a frequent and welcome visitor. He came to the Bar late in life. Originally he was a librarian or custodian in the British Museum. While in this office, he saved sufficient money to meet the necessary Inns of Court fees, to enter as a student at the Temple, and subsequently to be called to the Bar. He first attended the Middlesex Sessions, then the Old Bailey, and quickly came into public notice. He did a large criminal business at the same time as Clarkson, Bodkin, and Ballantine. I think that both he and the last-named took the coif and became Serjeants

simultaneously—at any rate, there was very little difference of time between them.

I remember being associated with Serjeant Parry in a somewhat remarkable case, the details of which I do not propose to give. The central figure in this case was a man named Risley, commonly known as "Professor" Risley. He had acquired a considerable sum of money by taking about the country, and to various places of amusement in the metropolis, a band of gymnasts. He was charged at the Central Criminal Court with unlawfully attempting to take Maria Mason, a girl under the age of sixteen, who lived in one of the alleys leading from Leicester Square, out of the possession of her father. I attended for him before the magistrate, Sir Thomas Henry, at Bow Street. After numerous hearings, the case was sent for trial. Mr. Besley conducted the prosecution, while Mr. Serjeant Parry, myself, and Mr. Straight, conducted the defence. A consultation took place at the Serjeant's chambers on the Saturday previous to the commencement of the Session, Mr. Straight and the solicitor instructing us attending it. Though I had been the good old Serjeant's junior on many occasions, this was the first and only time he was ever angry with me. I am afraid I was always somewhat impetuous; but the impetuosity arose through over-anxiety for the welfare of my clients.

The case, as it came out before the magistrate, proved to be anything but a strong one, and it was very nearly dismissed by his worship. I was certainly under the impression myself that an easy victory lay before us. Of course the Serjeant's brief had been delivered before we met; and he had, equally of course, carefully read and thoroughly digested it. When we entered the room to hold the consultation, I was somewhat surprised to see a settled gloom upon his countenance. "Well, Serjeant," I exclaimed, "and what do you think of our case; a galloping acquittal, eh?" He turned round to me almost savagely, and said: "Are you going to conduct the case, or am I? Hadn't you better wait until you hear what I have to say upon the subject?" I naturally collapsed.

During the consultation, the Serjeant expressed anything but a sanguine anticipation as to the result. The consultation over, we were all about to quit his presence, but he requested Straight and myself to remain behind. No sooner was the attorney out of the room, and the door shut, than he turned to me and exclaimed: "My dear Monty, when will you learn prudence? What on earth do you mean by speaking about a

galloping acquittal before the solicitor! Just consider the position you put me in! Supposing I lose, what will he naturally say, what will his client naturally say?—for he is sure to repeat what has passed—'If we had allowed Montagu Williams to conduct the case, we should have won it, for he told the Serjeant that it was a galloping acquittal.' It is nothing of the sort, my dear boy. I have had years and years more experience than you. Never speculate upon verdicts in such cases as these—a young girl in the box, too! I assure you I entertain a very different opinion, and if we win, it will be by the skin of our teeth." Then, with a smile on his good-humoured face, he added: "Now don't lose your temper, you know you do on the slightest provocation. What I say is entirely for your own good." Well, no one could be angry with him, so I laughed too; and Douglas and I then left the consultation-room together.

How correct the Serjeant was, was shown in the morning. The trial came on, and the girl told her story. She was of extremely prepossessing appearance—young, fragile, and extremely innocent-looking. She hesitated in giving her answers, and eventually burst out into a flood of tears. The Serjeant was sitting with his two juniors—myself on the right, and Douglas Straight on the left—and as this scene in the drama was enacted, I shall never forget the look that he gave us. He was a master in the art of cross-examining a witness of this description. Of all the duties of a counsel, that of cross-examination is, in my opinion, the most difficult one in which to acquire proficiency. Few have excelled in it. It is a dangerous weapon, and the true art lies in knowing either where not to put any questions at all, or the exact moment when to stop putting them.

The Serjeant handled the witness with great delicacy, but he was unable to shake her in any particular. As he sat down, he turned round to me and whispered: "What did I tell you?" The younger sister of the girl was then put into the box. Of course the whole of the case turned on the question of the respectability and previous character of the prosecutrix. While the Serjeant was cross-examining the sister, in reference to a male cousin, regarding whom some suggestions had been made, the witness made the following reply to one of the questions put to her:

"Yes; I do remember his coming to our house and asking for my sister. He asked for her by her nickname."

Quick as lightning, the Serjeant seized the point, and

raising that ponderous forehead of his, and opening upon the witness his great luminous eyes, he said:

"Nickname? What *is* her nickname?"

The witness replied:

"They call her Cock Robin."

Turning first of all to me, and then to Straight, and with an indescribable look at the jury, Parry slowly and significantly repeated the words: "They call her Cock Robin." From that moment the case was at an end.

Little did the audience know what subsequently transpired as to her character. The story only shows how deceptive witnesses of this description are. She wore, it is true, every appearance of innocence, but in her person she illustrated the truth of the old adage that one should not judge by appearances.

CHAPTER XXI.

EHEU FUGACES, POSTUME, POSTUME, LABUNTUR ANNI.

Police Court practice—Magistrates at Marlborough Street and Bow Street: Sir Thomas Henry, Sir James Ingham, Mr. Flowers, Mr. Vaughan, etc.—Story of the gentleman from Bournemouth who lost his watch—How the suspected man was arrested and taken before a magistrate—The prosecutor finds he has made a mistake—Sir James Ingham gives a practical illustration of human forgetfulness—An old thief at the back of the Court perceives his opportunity and seizes it—Social reforms brought about by Mr. Knox—The West End: then and now—Licensing business—Excellent City Aldermen: Sir Thomas Gabriel, Sir Benjamin Phillips, Sir James Lawrence, and others.

BESIDES the business I did at the Central Criminal Court and the Middlesex and Surrey Sessions—where I was often taken "special"—I had a very large practice at the Police Courts. In those days, counsel were taken into those Courts far more frequently than they are now, and an important case was never heard there without their appearance, either on one side or on both sides. The Courts where most cases of importance were tried were those at Bow Street and Marlborough Street, the latter taking the lion's share. The magistrates at Bow Street were Sir Thomas Henry, Mr. Vaughan, and Mr. Flowers; and in reference to the last-named, who was familiarly known as "Jimmy" Flowers, I may mention that he was an old Temple pupil of my father's, and one of the most kind-hearted creatures that ever lived. At Marlborough Street, the magistrates were Mr. Tyrwhyt and Mr. Knox. Sir Thomas Henry, as chief

magistrate, only sat in Court about two days a week, for he had to transact all the Home Office business, and hear the extradition cases; the latter being generally disposed of in his private room. He was an excellent man, and as chief magistrate we shall never see his like again.

There was no Bow Street Police Court in those days. The Court was held in two private houses, knocked into one, on the opposite side of the road to where the present building stands. Near it was the "Garrick's Head," where Judge Nicholson used to preside over the mock-trial of the Judge and Jury.

The Chief Clerk at Bow Street was Burnaby, and a most excellent clerk he was. I think that, when he retired, he had filled the office for something like forty years. Mr. Vaughan, before he became a magistrate, enjoyed a considerable practice on the Oxford Circuit. No man was ever more just and firm. He was called to the Bar in November, 1839, and made a magistrate in June, 1864. He is still upon the Bench, while Sir Thomas Henry and "Jimmy" Flowers have passed away. The successor to Sir Thomas Henry in the office of chief magistrate is Sir James Ingham. He was called to the Bar on the 15th June, 1832, and made a magistrate in March, 1849. He is now, I believe, over eighty years of age.

A rather good story is told of Sir James Ingham, though I am not prepared to vouch for its truth. The incidents occurred—or rather, are said to have occurred—soon after his promotion. A gentleman travelled by rail on the South-Western from Bournemouth to London. He commenced his journey in an unoccupied carriage, and proceeded for a considerable distance alone. At one of the intermediate stations—I think it was Basingstoke—a man entered the compartment. The train did not stop again until it reached Vauxhall. On the way thither, the gentleman from Bournemouth fell asleep. When the train arrived at Vauxhall, he woke up, and put his hand to his pocket for the purpose of ascertaining the time. To his consternation, he found that his watch and chain were gone. His sole companion in the carriage was busily engaged reading a newspaper. Turning to him in a somewhat excited manner, he asked:

"Has any one else entered this compartment while I have been asleep?"

"No," was the answer.

"Then, sir," proceeded the gentleman from Bournemouth. "I must request you to tell me what you have done with my

watch. It has been stolen during the time that you have been in the carriage. You had better return it, or I shall have to give you in charge on our arrival at Waterloo."

The other traveller, who really appeared to be virtuously indignant, over and over again protested that he was a gentleman; that he had seen no watch; and that he knew nothing whatever about the matter.

When the train arrived at its destination, a porter was sent to fetch a constable. The suspected man was given into custody, and conducted to Bow Street Police Court, where the charge was at once heard by Sir James Ingham. When put into the box, the prisoner repeatedly asserted his innocence. In the course of the inquiry, Sir James Ingham asked the prosecutor whether, when the train arrived at Waterloo, he had observed anybody come near the prisoner. The prosecutor replied:

"Yes; another man came up, apparently for the purpose of inquiring what was the matter."

"Just so," replied the magistrate. "That accounts for the disappearance of the watch. These things are never done alone. Wherever a theft takes place, whether in a train, a crowd, or elsewhere, there is always a confederate to receive the stolen property. Prisoner, you are remanded for a week; but if you are a respectable man, I have no objection to take very substantial bail."

Upon this, the accused stated that he had no friends in London, and that it would be impossible for him to find bail, as he was a foreigner—or rather, an Englishman who had spent the last few years of his life in foreign travel, having only returned to this country a day or two before. Therefore, he declared, to remand him for a week would be tantamount to sending him to prison for that period. Finally, he prevailed upon Sir James Ingham to take the case again upon the following day.

Next morning. when the remands were called on, the prisoner was put into the dock, the prosecutor simultaneously entering the witness-box. The latter wore a very dejected appearance, and, before any questions were put to him, he said that he wished to make a statement. "I do not know," he began, "how to express my regret for what has occurred; but I find that I did not lose my watch after all. I communicated my loss by telegraph to my wife at Bournemouth, and she has written to say that my watch and chain are safe at home." He proceeded to say that he could not explain the matter on any

other supposition but that, dressing hurriedly to catch the train, he had entirely forgotten to take his watch from the dressing-table.

Here was a pretty state of things! An innocent man had been dragged through the streets as a felon, falsely charged, and locked up for the night. Sir James, who is one of the most urbane of men, did all he could to throw oil upon the troubled waters. He said: "It is a most remarkable occurrence. To show, however, how liable we all are to make these mistakes, I may mention, as an extraordinary coincidence, that I myself have only this morning been guilty of precisely the same oversight as the one in question. I was under the impression, when I left my house at Kensington, that I put my watch (which, I may mention, is an exceedingly valuable one) in my pocket; but, on arriving at this Court, I found that I must have left it at home by mistake." Ultimately both parties to the incident left the Court, an amicable understanding having apparently been arrived at between them.

The business of the Court over, Sir James Ingham wended his way home. On entering his drawing-room, he was met by one of his daughters, who exclaimed:

"Papa, dear, I suppose you got your watch all right?

"Well, my dear," replied the chief magistrate, "as a matter of fact, I went out this morning without it."

"Yes, I know, papa," his daughter replied; "but I gave it to the man from Bow Street who called for it."

There had been an old thief at the back of the Court while the occupant of the bench was, that morning, giving an illustration, from personal experience, of human forgetfulness. He had whipped into a hansom cab, driven to the residence of Sir James Ingham, and, by representing himself to be a *bonâ fide* messenger, had obtained possession of the valuable watch, which, so far as I am aware, has never been seen or heard of again, by its rightful owner, from that day to this.

To Mr. Knox is mainly due the reformation of the Haymarket and the night-houses which, twenty or thirty years ago, abounded in the neighbourhood of Panton Street and Leicester Square. When I was a young man, the Argyll Rooms and the Holborn Casino were in existence, the former, which originally had been a dancing saloon in Windmill Street, being the property of Mr. Robert Bignell. Upon the ruins of the Windmill Street Saloon were built the Argyll Rooms, which came to be the most popular dancing establishment in London,

being frequented by all the young men about town, and the denizens of the *demi-monde*. The rooms were opened at about 9.30 p.m., and did not close until midnight. They were licensed for music and dancing, and for beer and spirits, by the Middlesex magistrates. This condition of affairs lasted until fourteen or fifteen years ago, when, after a desperate fight before the licensing authorities, the license was taken away. There were several houses in the immediate vicinity which opened and commenced business at about the time that the doors of the Argyll Rooms were closed. In the Haymarket itself, opposite to where the London Pavilion now stands, was the Piccadilly Saloon. It had no license whatever; and it was notorious that, with regard to this place, and to the night-houses about which I shall have something to say presently, the police were induced, by some means, and for some reasons into which I do not propose to go, to persistently close their eyes. Inspector Silverton was the police officer responsible for the good or bad order of the district. At the Piccadilly Saloon, which was, as I have said before, an unlicensed dancing-room, the fun would commence at about 12.30. It was a small room, with a gallery upstairs. Some one stood at the outer door, which opened upon the passage leading into the dancing-room; and half-way up the passage was the man who took the entrance-money. There was a regular drinking-bar on the left-hand side as you entered, and at the end of the room were three musicians, one of whom played the piano, another the harp, and the third the fiddle. The police were supposed to visit such houses as this, at least once every night; and what used to take place here—for I have seen it with my own eyes—was simply a ludicrous farce. A knock was given at the outer door by the visiting inspector, whereupon the word was passed: "Police!" Some two or three minutes were allowed to elapse, and then the inspector, accompanied by one or two subordinates, entered the building, lantern in hand. The interval of time had been sufficient to enable all the bottles and glasses to be whipped off the counter, and placed on the shelves underneath, innocent coffee-cups being substituted in their stead. Sufficient time had also been given to enable the three musicians to vanish through a doorway. This doorway was at the back of the room, and opened into a sort of cupboard, large enough to conceal the three delinquents. Here they remained until the police, having gone through the usual sham of walking round the room, had taken their departure.

What I have said in reference to the Piccadilly Saloon, applies equally to Bob Croft's, which was in the Haymarket itself, on the right-hand side going down towards the theatre; Kate Hamilton's; Sam's, in Panton Street; Sally's, on the opposite side of the road; and other establishments of a similar kind. It was currently reported, when Inspector Silverton left the force—which he did shortly after these dens (mainly through the instrumentality of the learned magistrate at Marlborough Street) had been closed—that he retired upon a very snug competence.

Of course it is an open question whether the suppression of places of this description was ultimately for the public benefit. In those days, the exterior—I mean the thoroughfares of Leicester Square, the Haymarket, Piccadilly, etc.—was perfectly quiet. The evil, which I suppose must exist in some shape or other in all largely-populated cities such as ours, was, to a certain extent, concealed from the public eye. It is not so now. Since the late Metropolitan Board of Works granted two of the most important sites in the West End for the erection of the Criterion Restaurant and the Pavilion Music-Hall, the thoroughfares immediately adjoining have become, after closing hours, simply impassable for respectable persons. With regard to Piccadilly, it is getting from bad to worse, and night is rendered simply hideous by street rows and disgraceful scenes of all descriptions. I can remember the old Evans's, which stood on a spot now occupied by the premises of the New Club. It was only a small room, with a recess at the further end. Paddy Green was the proprietor. Of course, I am now speaking of a time before women were admitted; and the songs that were sung by Sharpe, Ross, and others, were not always of the most delicate description. Thackeray was a great *habitué* of Evans's. He usually took up his position, two or three times a week, in a particular seat at the back of the room, and against the wall. Herr von Joel was an attraction at the establishment. He will be well remembered by those who heard him, for his imitation of the voices of birds. He had a wonderful trick of playing tunes upon walking-sticks, which he would borrow from persons in the audience. To him belonged the privilege of selling cigars. In the bills he was announced as being "retained upon the strength of the establishment in consequence of his long services." Few among those who visited Evans's, will forget the rubicund countenance, the dark silk pocket-handkerchief and the snuff-box, of Paddy Green, or the extraordinary

method of arithmetic employed by Skinner, the head waiter. He it was who took the money from the guests as they passed out; and he totted up their bills from memory with such remarkable rapidity as to daze their very often somewhat hazy intelligence.

When I first began business, the licensing all over the metropolis, which is a very lucrative matter for counsel, was mainly in the hands of Messrs. Sleigh and Poland. After a few years, however, when Sleigh became Serjeant, the business was practically divided between Poland, Besley, and myself. I never cared for the work, but the fees were large, and the briefs were numerous—circumstances which acted as gilding upon an unpalatable pill.

I have known the law officers of the Crown, and other most distinguished Q.C's., to be retained in connection with the Argyll Rooms, Cremorne, the Aquarium, and other kindred places. On one occasion, when Sir John Holker was Attorney-General, he, Poland, and myself, were retained in a case of this description. A fee of two hundred and fifty guineas was marked upon Sir John's brief, and I am under the impression that all he had to do, with the exception of attending a few consultations, was to address the magistrates for a quarter of an hour. For this, he received in all about three hundred guineas. A more unsatisfactory tribunal, in my humble opinion, than that before which the licensing business came, never existed. Where large vested interests are concerned, influence is brought to bear in every available shape and form. Matters have been considerably altered, a revision of the licensing system having taken place. One of the consequences of that revision is that licenses for spirits and beer are granted, in the first instance, by the district magistrates, whose decisions have to be submitted to a confirmation committee, which is selected from the whole metropolis. Matters even now, in my humble judgment, call aloud for reform. I believe one-half of the crime of the metropolis—certainly in such districts as Greenwich, Deptford, Whitechapel, and Shoreditch, where the heritage of the people is pestilential dens, hovels, slums, and darkness—is largely due to the reckless manner in which licenses have been showered about, like pepper from a pepper-box, by the licensing authorities. Personally, I am not one of those who would rob the working man of his modest glass of beer, but I am nevertheless of the opinion that, so long as the present state of things exists in reference to the establishment of public-

houses, but little success will crown the efforts of those who seek to improve the condition of the people. The question is, who is to move in the matter? Politicians on both sides of the House are apparently afraid to do so. The truth is that the licensed victuallers are so powerful a body that neither political party dares to offend them.

While speaking about the magistrates, I must not forget the City aldermen. It is often said that it would be a good thing if we had stipendiaries in the City as well as in other parts of the metropolis, but with this I am not at all inclined to agree. Speaking from five-and-twenty years' experience of the City of London, I am bound to say that the aldermen do their work most admirably. Of course they have capital clerks. When I first began to practise at the Guildhall and the Mansion House, a gentleman named Oke was the chief clerk at the latter place. He was a man of very great legal knowledge, and the editor of "Oke's Magisterial Synopsis," and of other elementary legal hand-books. Mr. Martin, an equally good assistant, was the head clerk at the Guildhall. They were always quite able to keep the presiding Justice straight in all questions of law, and as, very often, at the Mansion House, cases of great commercial importance are tried, it was very necessary that they should have possessed the capacity to do so. While getting the law of the matter from the clerk, the presiding alderman, being himself a tradesman or merchant, could bring to bear, in considering the various matters that came under his notice, his mercantile knowledge and general business capacity. Of course, it is invidious to particularise where all did their duty so well, but if I were asked to name three of the best, I should say—Alderman Sir Thomas Gabriel, Sir Benjamin Phillips, and Sir James Lawrence.

A certain gloomy day is well remembered in the City of London. Some years ago, Gurney's, and other large banking establishments, the Merchants' Company, and other great mercantile and discount houses, suddenly put up their shutters, and stopped payment. Criminal prosecutions followed, taking place before either the Lord Mayor or the presiding alderman at the Mansion House. I was quite delighted with the amount of sagacity, power of cross-examination, and sound good sense, displayed by Sir Thomas Gabriel at the hearing of one of the extraordinary charges in question, regarding which I may have something more to say before I have finished these pages.

Sir Benjamin Phillips I knew both professionally and in private life. He was a man about whom there was no nonsense. He never claimed to be anything but what he was—a plain citizen, and a self-made man. Although extraordinarily wealthy, he was never tired of referring to the day when he came up to London without even the proverbial sixpence in his pocket, and commenced life upon the very lowest step of the ladder. Upon one occasion he took me to the Commercial Road in his carriage, and pointed out a little bead-shop there, remarking as he did so: "And here, my boy, is the place where my wife and I first began business by selling beads." From such small beginnings grew the great house of Faudel, Phillips, and Co., whose premises now occupy a great portion of Newgate Street.

CHAPTER XXII.

PARATUS OMNE CÆSARIS PERICULUM
SUBIRE MÆCENAS TUO.

The Shrewsbury election petition—Douglas Straight accused of bribery and treating—We all put up at "The Raven"—My social duties as junior—Hardinge-Giffard would not let me smoke in the sitting-room—I have my revenge, and Giffard has no breakfast—The tactics I pursue in regard to the dinner—Ballantine opens the case—The man with the white hat—The "Dun Cow" dinner—A little joke from the Bench—Straight becomes very angry with Ballantine—Four anxious hours—Baron Channell gives a decision in our favour—General rejoicings.

I WAS junior counsel at different times in several election petitions. The first was that at Wallingford, where Mr. Dilke was the petitioner, and Mr. Vickers, distiller—who had a house at Goring, on the Thames, close to the place he sought to represent—was the sitting Member. The trial took place before Mr. Justice Blackburn. Mr. Merryweather (poor Bunsby!) and Mr. Poland were counsel for the petitioner, while Serjeant Ballantine and myself represented the sitting Member. As, however, the Serjeant has described this petition at some length in his book, I do not propose to refer to it, except *en passant*.

The next election petition in which I was concerned took place in 1870, and was a case of the greatest possible interest to me, because the sitting Member, whose junior counsel I was, was my intimate friend and daily companion, Douglas Straight. The seat was that of Shrewsbury. Douglas had originally gone

down to the constituency to assist the candidature of Mr. Alderman Figgins, and he was so successful in furthering the interests of that gentleman that he determined at the time that, should the opportunity occur, he would contest the seat himself. The time came for him to carry his intentions into effect; and he found himself opposed to a gentleman of the name of Cotes. The votes polled were—for Mr. Straight (Conservative), 1,291; for Mr. Cotes (Liberal), 1,253; thus giving the former a majority of 38. Very soon after this election, a General Election took place, when the same two candidates were in the field, and Douglas was again returned, this time by a larger majority than before. A petition was then lodged against him for bribery and treating.

The trial took place before Mr. Baron Channell, at the latter end of December, 1870, and lasted four days. The counsel for the petitioners were Mr. Serjeant Ballantine, and the Honourable Chandos Leigh, who were instructed by Messrs. Wyatt and Hoskins: and, for the sitting Member, Mr. Hardinge-Giffard, Q.C., Mr. Poland, and myself; we being instructed by Mr. Frank Greenfield, who was one of Douglas's most intimate friends.

Of course the Judge and the opposing counsel were bound to do their duty in their respective spheres, but I cannot help thinking that they were, from the first, disposed to entertain the hope that the petition would fail. Douglas Straight was a universal favourite. Again, who could fail to admire the pluck and ability with which he, a young man only just called to the Bar and only three-and-twenty years of age, had fought so strongly contested a battle as that of Shrewsbury, and come off with flying colours?

The sitting Member, Poland, Hardinge-Giffard, and myself, travelled together to Shrewsbury by the Great Western. We put up at the "Raven Hotel," and, save for the anxiety that we felt on behalf of our friend, we had a very jolly time. I often think of a somewhat amusing incident, involving some questions of professional etiquette, which took place on the day of our arrival at this ancient city. Hardinge-Giffard was always one of the greatest possible sticklers for the performance of the duties that are expected from a junior. One of these duties on an occasion such as that to which I am alluding, is to attend to the eating and drinking department—namely, the ordering of meals, etc., for the whole party, who occupy a sitting-room in common.

I was an inveterate smoker, and if there was one thing that

Giffard hated more than another, it was the smell of tobacco. Shortly after our arrival at the hotel, I brought down to the sitting-room a large box of cigars. These caught the eye of the future Lord Chancellor, who said: "What are you going to do with them?" I simply replied: "They are my cigars; I brought them down, as I always smoke after dinner." Giffard then said: "You certainly won't smoke here." I merely remarked that sufficient unto the day was the evil thereof, and that we would see about that after dinner. Well, when the meal was over, I—knowing what a good-natured fellow I had to deal with—filled my cigar-case from my box, and, with a grin, was about to light up. My leader at once said: "I assure you, I am in earnest. As I said before, you are not to smoke here." I replied: "Well, where am I to smoke? It would never do for me, as counsel in an election petition, to go into the ordinary smoking-room, where I might meet anybody; and I certainly do not intend to smoke in the yard of the hotel." "I really don't care for that," said he; "as I observed before, you will not smoke here."

It was snowing hard. The winter that year was a very severe one, and the weather was cold even for the end of December. Nevertheless, the position had to be faced, so, bouncing out of the room, I put on my waterproof, and in a few moments was enjoying the fragrance of my weed, as best I could, on the pavement outside the hotel.

It was another of my leader's fads that he would not commence breakfast until his junior put in an appearance. The next morning I determined to be even with him. I never ate breakfast; he never tolerated tobacco, so we were on equal ground. The Court had to sit at ten.

In vain did the chambermaid come up to my room, at stated intervals, with the message that breakfast was waiting. Never before did I take so long over my toilet. At about five minutes to ten I strolled down to the breakfast-room. This, I knew, would leave me just sufficient time to get into Court before the commencement of the proceedings, for the Court House was only just opposite the hotel.

I found Giffard seated in an arm-chair before an enormous fire. The breakfast—grilled fish and other delicacies—was placed in the fender. The tea had not yet been brewed. My leader looked in a rage; he must have been only acting, however, for in all my life I never saw him seriously out of temper. I knew, he declared, just as well as he did, what his rules were; I knew that he had been waiting breakfast for me. It was my duty

to be down in time to make the tea; and, in consequence of my laziness, he would have to go to Court without any breakfast at all. "But," I casually remarked, "I never eat breakfast—I don't care about it." "Well," he rejoined, "you are, I think, the most selfish fellow I ever came across." "Oh dear no," I said; "you forget the smoking yesterday. You don't smoke. I can't see the difference."

He burst out laughing, and we proceeded forthwith into Court. The matter, however, did not stop here. As I observed before, it was my duty to order dinner. At midday, for this purpose, I interviewed the landlady of the hotel. I ordered everything that money could procure within the limited resources of Shrewsbury.

The dinner-hour arrived, and never shall I forget the faces of my two learned friends as dish succeeded dish in apparently endless rotation. At last Giffard could stand it no longer. "Good God!" he exclaimed, "what is the meaning of this; the dinner will never end." Then turning to me, he added: "What in the world have you been doing?" "My duty," I replied. "You are master of the apartment, but the dinner business devolves upon me." And that night, when the meal was over, I remained by the fire and smoked my cigar.

It was on Saturday afternoon that we arrived in Shrewsbury, and the trial commenced on the Monday morning. When Serjeant Ballantine commenced his opening, the Court was crowded, especially with ladies, among whom the sitting Member appeared to be a general favourite. The Serjeant began by paying a very high compliment to his learned friend, Douglas Straight. Proceeding to enumerate the cases of alleged bribery, he suggested that several leading members of the Corporation, who were Conservatives, had taken an active part in influencing the voters, mentioning in this connection a Mr. Groves, who was a popular member of the Town Council. He exonerated Mr. Straight entirely from any personal treating, and remarked that, though the borough was essentially a Liberal one, the Corporation was thoroughly Conservative in its character. He said that its members had used influence of every kind with a view to the return of the Conservative candidate, and that pressure had especially been put upon the humbler classes —a circumstance that he ventured to designate as improper in the extreme, and deserving to meet with severe reprobation. He called particular attention to the conduct of Walter Whitmore, a Captain of the Militia, who it was alleged had, upon the day of the election, gone down the road to some men who

were employed excavating some gas-pipes, and had treated them, afterwards accompanying them to within a short distance of the polling-booth. This gentleman, the learned counsel declared, would be clearly identified by his dress, and by the circumstance of his having worn a white hat. The next case, Serjeant Ballantine said, was one of undoubted importance, and one in which, he was afraid, his lordship would have to exercise his powers in a way that would be anything but pleasant to the parties concerned. The mayor of the borough and his sons were implicated. The learned counsel next called attention to certain cases of treating, more especially to what he described as the "Dun Cow" supper. The "Dun Cow," he explained, was a public-house in the town, and Mr. Townsend, its proprietor, was an enthusiastic supporter of the Conservative cause. A reverend gentleman was in the habit once a year of giving a supper to his tenants at the "Dun Cow" It was an extraordinary thing that the liberality of landlords became very great when an election was taking place. As a rule, the reverend gentleman gave the annual treat to his tenantry at an early period of the year; but, on this occasion, the supper had been arranged to take place on the eve of the Parliamentary contest. The invitation to the supper was, the Serjeant declared, accompanied by that which was "likely to give the tenants an excellent appetite—the shaking of a bag of money in their faces." After supper Mr. Straight's health was drunk, and such an effect had the bag of money, the meal, or some mysterious influence, had upon the company that, though it was composed of a number of persons who had always voted Liberal, all present were suddenly seized with the determination to support Mr. Straight—a determination which, the Serjeant added, had been carried into effect. To judge, he said, from his own experience, on a convivial occasion of that character, a bond of unity was created among the guests, and they would have been ashamed to look one another in the face if, after what had occurred, they had failed to exercise their franchise in the way they had promised.

The learned Judge here interposed, and remarked: "There are some promises that are like something else—they are made to be broken;" at which the public in the gallery, as is usual on such occasions, laughed.

Ballantine went on to refer to other cases of alleged treating, and concluded his address at about four o'clock, having been speaking all day. The Court then adjourned until the morrow

I do not propose to go through the evidence in detail. Witnesses were called who in the main proved the learned Serjeant's opening. Before the case concluded, however—in consequence of certain witnesses not being quite up to the mark—Ballantine withdrew several of the charges. Considerable amusement was caused while evidence was being given as to the "Dun Cow" supper. In cross-examination by Mr. Giffard, a witness was asked whether the company had drunk the health of Mr. Straight. A reply having been given in the affirmative, the further question was put to him as to whether the health of the Queen had not also been drunk. The witness said that he could not remember, and upon being pressed as to whether the "Church and State" had not been drunk, he replied that he did not know what was meant by the question. Upon this the Serjeant observed: "You are a consistent Conservative;" at which the occupants of the public gallery again laughed.

Mr. Giffard called his witnesses, one of whom was Captain Walter Whitmore, who positively denied that he was the mysterious man in the white hat. My leader made a most excellent speech, and, I think, put the Serjeant rather upon his mettle; for when the latter came to reply, all the consideration for Straight which he had previously shown, had disappeared. I am bound to say, indeed, that the Serjeant did his best to win.

We found it almost impossible, during Ballantine's address, to keep the sitting Member quiet. From his seat underneath the counsel, he kept turning round to me and vowing the most dreadful vengeance against Ballantine; observing that he certainly had not expected this from the Serjeant, who had been his father's oldest friend. He, of course, also indulged in the usual threat that he would never speak to Ballantine as long as he lived. Altogether Giffard and I had the greatest difficulty in suppressing this hot-headed young gentleman.

The Serjeant ended his reply at about one o'clock. The good-natured old Judge, looking at the sitting Member with a twinkle in his eye, said that, as he did not wish anybody to pass a sleepless night, he would not adjourn the case until the following morning, but would give his decision at four o'clock that afternoon.

The intervening hours were very anxious ones for me, for I felt as much interest in the issue as though I had been personally concerned. At four o'clock the Court reassembled, and from the good-tempered expression on Baron Channell's face, as he took his seat upon the Bench, I felt convinced that

all was well. His lordship summed up with considerable force, and in an exhaustive way. Having disposed of most of the allegations, he proceeded: "And now we come to the 'Dun Cow' supper." A kind of cold shiver ran through us all, for this was the rock on which we feared the vessel might split. However, after giving a strange ruling of his own as to what constituted an agent, he observed, with regard to the supper itself, that, though he did not think it sufficient to unseat the respondent, it would undoubtedly have been far better had it never taken place. In the end he found: firstly, that Mr. Straight was duly elected; secondly, that there was no reason to believe that, at the last election, any considerable bribery or corruption took place; and, thirdly, that the petitioners should bear the costs. The result was hailed with vociferous applause, the ladies in the gallery testifying their delight by waving their handkerchiefs. The enthusiasm was caught up by the crowds in the square, and on the appearance of the honourable Member and his friends outside the hall, he was received with successive rounds of hurrahs.

In the evening we all proceeded to the Music Hall, where an enormous concourse of persons was assembled. Douglas made a speech, and afterwards we adjourned to supper at the house of one of his principal supporters.

We returned to "The Raven" at about two o'clock in the morning. It was snowing hard as we proceeded thither; and the joys of the evening terminated by the sitting Member and myself having a remarkably fine snow-ball fight around the gravestones in Shrewsbury churchyard.

CHAPTER XXIII.

ECCE ITERUM CRISPINUS.

I am instructed to prosecute Robert Cook, whom I have met before—How he wronged the poor widow—She had no money for a Christmas dinner—I "go for" the accused with a vengeance—Ballantine can't understand it—The jury return a verdict of "Guilty," and Cook's carriage drives away empty—I sign a petition and the sentence is mitigated—The Wood Green murder—Description of the crime—The dinners at the Central Criminal Court—A chaplain's choice observation—A jewel robbery—How the thieves gagged the assistant—A theatrical effect in the box—The Stratford murder—A damning piece of evidence—The murderer's confession.

It will be well remembered that in one of my early chapters I mentioned certain matters connected with a money-lender of

the name of Robert Cook. I stated that I owed him a debt, and that I paid it with interest. The circumstances under which this payment took place I will now proceed to narrate.

A lady of the name of Hall considered that she had been defrauded of certain property, and consulted a solicitor. That solicitor sought my advice; and the result was the issue of a summons, from Marlborough Street Police Court, against Cook, for unlawfully, and by false pretences, causing the said Hall to execute a deed assigning her interest in some property to himself, and for converting to his own use a certain policy of insurance. I appeared as prosecuting counsel at the preliminary investigation before Mr. Knox. The defendant was committed for trial at the next Sessions of the Central Criminal Court, but admitted to bail.

Cook had become a man of considerable wealth, and he had a son in the army, commanding one of Her Majesty's regiments of infantry. The money-lender, indeed, had attained to a very respectable position, and he kept up a large establishment in one of the most fashionable squares in the West End.

While I was opening the case before the magistrate, I could not help remembering under what different circumstances the defendant and I had met previously; and it was easy to see that his memory, as to the events alluded to, was as vivid as my own. The case was ultimately tried before the Common Serjeant. I conducted the prosecution, while Serjeant Ballantine and Messrs. Metcalfe and Poland were counsel for the defence. The story was a very painful one. The prosecutrix stated that she was a widow, and that her late husband had had some financial dealings with the defendant. Five children were left upon her hands. Shortly after her husband's death, she came up to London to ask the defendant's advice on some monetary matters. She brought with her a policy of insurance for £250 on her husband's life. Cook, it appeared, after expressing his deep regret at the loss she had sustained, said, in reference to the policy: "Leave this with me, and I will get the money for you, free of expense." She did as he desired. This happened somewhere about May, 1868. She went to him again on the 10th of December. Her little boy at the time was very ill, and dying. She begged him to give her some of the money. He gave her a cheque for £50, and made her sign a deed assigning over the policy to him, the consideration money appearing on the face of it to be £200. She was also induced to sign several other papers. When Cook gave her the £50, he told her to be very careful

of it, as money was very slippery, and soon passed through the hands. She deposed that she did not know at the time that she was making an absolute conveyance of the policy. Had she imagined that the document placed before her was in the nature of an absolute conveyance, she would not have signed it. At the next interview she had with him, she asked for some more money, and, after some conversation, he gave her a cheque for £10. On this and other occasions she kept asking why she did not receive the £200 due to her. He was always very much annoyed when she asked him for money, and finally told her that the whole of the balance had been absorbed in expenses, and that he could not give her anything more. She deposed that she became miserably poor, and that, when Christmas Day came, she had not a scrap of food for dinner. She applied again to Cook, and he said that he was very sorry, but that he could not help her. All that she had received for the policy was £65.

The unfortunate lady was severely cross-examined by Ballantine, but he failed to elicit from her anything that could be of service to his client. Other evidence was adduced on behalf of the prosecution, and, Ballantine having made his speech, I rose to reply. I did so with a vengeance, and when I came to draw a picture of the helpless widow with her starving children; of the appeal made to the money-lender to obtain a few shillings with which to buy a Christmas dinner; of how this appeal had been met; and of how, like a spider, this usurer and extortioner had lured the unfortunate fly into his web—when, I say, I drew this picture, I could see, from the demeanour of the jury, what the result would be.

I had noticed that while I was addressing the jury, astonishment was written large on the Serjeant's face. When I resumed my seat, he turned to me, and said: "My dear Montagu, you've been desperately hard on that man. I never heard you conduct a prosecution in that way before." I could not help replying: "Indeed! Well, the truth is, I had a little account to settle with that gentleman myself."

After the Judge had summed up, the jury returned a verdict of "Guilty"; and the accused was sentenced to twelve months' imprisonment.

I should mention that when, on arriving at the Old Bailey that morning, I passed through the courtyard where the Lord Mayor and Sheriffs alight, I saw there a magnificent carriage, to which was harnessed a pair of splendid horses, and from which I observed my old friend Robert Cook descend. The

trial finished late in the afternoon, and, as I retraced my steps through the courtyard to proceed home, I again saw the magnificent carriage standing there. The coachman had been instructed to return and fetch his master. The vehicle, however, drove away empty.

A month or so after the trial a petition was prepared for presentation to the Home Secretary, praying for a mitigation of the sentence passed on Robert Cook, on the ground of his ill-health. His son called upon me at my chambers, in a state of terrible distress, and asked me to add my name to the signatories. I did so; and in about two months' time the prisoner was liberated.

It was during the same session that I was retained as prosecuting counsel in a rather remarkable case of murder, tried before Mr. Justice Byles. It was known as the Wood Green murder. The prisoner, whose name was Frederick Hinson, was defended by Dr. Kenealy, Q.C., and Mr. Warner Sleigh. Hinson was indicted for the wilful murder of Maria Death, who had been living with him as his wife for eight or nine years. She had had six children by him. Hinson had been very much attached to the deceased, and was a sober and industrious man. He had always regarded her as his wife, and treated her as such.

One day the woman went to London with a man named Boyd, who was a neighbour of theirs. They had returned between five and six o'clock. It appeared that the prisoner, rightly or wrongly, was very jealous of Boyd. Soon after the woman's return, she was seen running along the roadway, the prisoner being in pursuit of her. Overtaking her, he caught her by the waist, and took her towards Nella Cottage, where they resided. On arriving there, they entered, and presently the report of firearms was heard, accompanied by a scream. The two were perceived at the bottom of their garden; the poor woman was seen to fall, and the sound of blows was heard. The prisoner was then observed, a gun-barrel in his hand, coming from the spot. He left the cottage, saying:

"I have shot her—there is no mistake. I will now kill the other."

He was seen to proceed, still with the barrel in his hand, towards the cottage that was occupied by Boyd. The prisoner entered the dwelling, and presently he came out again, saying:

"He is dead enough. That's what happens when a man goes with another man's wife. Where are the police?"

On the cottage being subsequently entered, Boyd was

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found lying dead upon the floor, his head being literally smashed in.

Hinson was taken into custody at his own residence. He was found kneeling by the body of the dead woman. A constable said: "Who did it?" The prisoner replied: "I did." He walked quietly to the Police Station.

Hinson's advocate did all he could, but the evidence was most conclusive, and the prisoner was eventually sentenced to death.

It was a custom in those days for the Lord Mayor and Sheriffs to give a dinner every Monday and Wednesday during the time that the Sessions were held, at the Central Criminal Court. The meal was a very sumptuous one, especially upon the Wednesdays, for then Her Majesty's Judges, who had attended the Sessions, were the principal guests. The City Judges and leading members of the Bar were always invited, as well as any distinguished men—and there were always some such—who had business at the Sessions. The chaplain-in-ordinary at Newgate, was a stout, sensual-looking man, who seemed as though he were literally saturated with City feasts. Arrayed in his clerical robes, it was part of his duty, when the solemn sentence of death was pronounced by the Judge, to utter the last word: "Amen." It frequently happened—as it did upon the occasion of the trial of Frederick Hinson—that the Jury retired to consider their verdict, at about five o'clock, or half-past, in the afternoon, which was the hour at which the dinners to which I have alluded were given. The Judges, counsel, and guests, would repair upstairs to these prandial entertainments, and would frequently be called down in the middle of their repast for the sentence of death to be passed upon some wretched criminal. When the death sentence had been pronounced upon the man Hinson, and as we were all retracing our steps to the dining-room, the chaplain-in-ordinary turned to me, and, in a voice that was broken, though not with emotion, said: "Well, Williams, so you've bagged your bird." I must confess that I was horrified. This person was a very different man from his successor, Mr. Jones, who destroyed his health and utterly broke down under the severe strain which his duties as prison chaplain imposed upon him.

A trial took place about which I got considerably chaffed. It was the trial of Martha Torpey, for a jewel robbery. It took place before Mr. Russell Gurney. Messrs. Metcalfe and Straight conducted the prosecution, while I, with Mr. Horace Brown as my junior, conducted the defence.

The prisoner, a very good-looking, engaging woman, was exceedingly well dressed. She carried in her arms a very pretty baby, only a few months old; and I think that this interesting little person had a good deal to do with the subsequent finding of the jury. I was chaffed because it was said that the theatrical effect in the dock had been arranged by me. As a matter of fact, I had had nothing to do with it.

The evidence went to show that an assistant from a firm of jewellers in Bond Street, in consequence of a message received at the shop, went to 4, Upper Berkeley Street, taking with him five or six thousand pounds' worth of jewellery. The door was opened by the gentleman who had called at the shop, and who had given his name as Mark Tyrell. He apologised for the absence of his servant, and at once showed the assistant into a room on the ground-floor, whence the two afterwards proceeded to the drawing-room. A photograph of the man was produced in Court. It was alleged to be a photograph of the man Mark Tyrell, who, however, turned out to be Torpey, the prisoner's husband.

It appeared that, when the assistant entered the drawing-room, he saw the prisoner sitting there by the fire. She remained seated while he took out of his bag the jewellery that he had brought with him, and which included a necklace of the value of £1,100. The man admired this necklace, and said that he should like his wife to have it, as well as other articles. More jewellery, to the value of £2,600, was extracted from the bag and placed upon the table. Torpey turned to his wife and said: "I think your sister ought to see these things. Go and fetch her." She left the room and returned in a few minutes, remarking that her sister would be down in a moment. She then went quickly up to the assistant, and, getting behind him, placed a handkerchief saturated with something over his face and mouth. Torpey simultaneously rushed forward and seized him, exclaiming: "If you move, I will murder you." In giving his evidence the assistant stated that he "then went off into a kind of trance." On partially regaining consciousness, he found that a couple of straps had been fastened over his body, and that a cloth was tied over his eyes. He heard the man say: "Quick, Lucy, give me my hat." The next minute the street-door slammed. After a little while, he managed to remove the straps and bandage, whereupon he broke the window and called for assistance.

It appeared that the prisoner had engaged the premises by

means of false references. At the time of the robbery, according to the assistant, she was most fashionably attired. Her arrest took place at Southampton. All efforts to trace the husband had been unsuccessful.

At the conclusion of the case for the prosecution, I submitted that the fact of the prisoner being indicted, not as a *femme sole*, but as the wife of Torpey, rendered it unnecessary for me to call witnesses to prove the marriage; and that, as she had acted in the presence, and therefore under the compulsion, of her husband, she was, according to the authorities, entitled to an acquittal. A long legal discussion took place upon the point. The other side contended that as the prisoner had committed violence in placing the handkerchief over the assistant's mouth, she must be held responsible for the act, in spite of the fact that her husband was present. The Recorder ruled that it would be necessary for me to prove that the woman acted under her husband's compulsion. I therefore proceeded to address the jury, strongly commenting on the cowardice of the man who had fled from justice, leaving his wife with a helpless little infant in her arms, to bear the brunt of the robbery which he had planned, and of which he was no doubt at that very moment enjoying the proceeds. The more eloquent I grew, the louder the prisoner sobbed and cried. I thought at the time that this grief was in consequence of the picture I was painting of the brutal husband; but I subsequently learnt from the solicitor that she was grieved because of the abuse I was showering upon the partner of her life, of whom she was exceedingly fond. The woman received a very good character, and the jury expressed their belief that the whole thing had been prearranged by the husband, and that the prisoner had acted under his coercion, and therefore was not guilty. The case created a great stir, and was mentioned in Parliament with a view to a change being made in the law.

At a subsequent session, in the same year, a somewhat curious trial for murder took place. The crime arose out of a burglary, and this is, according to my observation, a very rare occurrence. Your burglar as a rule does not kill. So long as he confines himself to theft, he knows that the worst he can suffer is a term of penal servitude, and he is by no means willing to risk his neck.

The case I am about to mention affords, as I have said, an exception to the rule just alluded to. Two men, Campbell and Galbraith, were indicted for the wilful murder of a man named Galloway. Messrs. Poland and Beasley conducted the case for

the Crown on behalf of the Treasury authorities; I defended Campbell; and Mr. Warner Sleigh represented Galbraith. The Judge was Mr. Justice Lush, and the case was known as the Stratford murder. The deceased had lived with his wife and niece at Oxford Villa, Ilford Road.

A great deal of evidence was taken, and the principal question in dispute was one of identity. The prosecution endeavoured to show that the prisoners had been seen in the immediate neighbourhood of Oxford Villa on the night of the outrage. Among other things stated by the witnesses was that, on the day in question, Campbell was observed climbing up the portico of the house, and peering into the front garden. He was a very peculiar man in appearance, and several witnesses identified him by the mark or hole under his left eye. The evidence against Galbraith was very weak, and so far as he was concerned, the case was stopped before the prosecution was closed. The principal witness to the murder was the dead man's wife, and anything more painful than her presence in the box has never come under my notice. She was labouring under great emotion, and all she kept saying was: "He had a scar on his face." Every one turned as she said this towards the prisoner, and there the scar was, sure enough. It was of course damning evidence. On somewhat regaining her composure, she stated that her husband, having retired from business, was living on his means. On the night in question, having securely fastened all the doors, they went upstairs to go to bed. On a sudden they heard a noise, which caused them some alarm. Her husband went downstairs, and in a few minutes she followed him. The street-door was open, and she went out into the road, where she found her husband having high words with two men. He was accusing them of attempting to break into his house. She was positive that Campbell was one of the two men. She looked around anxiously for a policeman, and when she turned her eyes once more upon the disputants she perceived Campbell draw an instrument from his breast. He drew back as if to take aim, and then she saw the instrument strike her husband in the eye. The injured man, with an exclamation, staggered backwards, and fell to the ground. The two burglars then ran away in the direction of Ilford, and, on passing a lamp-post, Campbell halted for a moment and looked round. Immediately an alarm was raised, the neighbours came out into the roadway, and the injured man was conveyed into the house, where he died before the arrival of a surgeon. The witness went on

to say that, shortly afterwards, she went to the police-station and saw a number of men together. Among the number she identified Campbell.

The unfortunate lady was in such terrible grief, that I hesitated as to what course I should adopt in regard to her. Finally I decided to put no questions to her. Fortunately, however, for the ends of justice, she was not allowed to leave the box at once. The Judge asked her whether or no she was absolutely certain that Campbell was the man she had seen attack her husband, and she answered: "We lived together happily for years. I saw the man who killed him. Do you think it possible, my lord, that I should ever forget that face?" The argument indeed was conclusive.

In the end, Campbell was found guilty. Upon being asked by the Clerk of Arraigns whether he had anything to say why sentence of death should not be passed upon him, he replied: "My lord, I must acknowledge I have been justly found guilty. I never intended to strike him in the eye; the blow was made for his shoulder, for at that moment he was holding my mate. He must have moved, and received the blow in his eye. I am sorry for it, and I hope that God will forgive me."

CHAPTER XXIV.

INGENUI VULTUS PUER.

C. W. Mathews: the best pupil I ever had—"Faithful William"—The work a counsel in large practice has to do—Story of two Jews who raised my fee—They expected a "nice long day"—I discover a legal flaw, and their friend is promptly acquitted—They are disappointed—"Flash Fred"—He is charged with forgery, and I defend him—His running comments during the case—He forgets the second indictment, but the Bench doesn't—How "Flash Fred" got a railway ticket for nothing—Rumour associates him with the theft of Lord Hastings' betting-book—Remarkable speech by a Queen's Counsel—The countrymen in the jury-box commence to weep—"We finds for Muster C——."

At the latter end of 1868 the very best pupil I ever had came into my chambers. It was C. W. Mathews. Some little while before, when I had been only a few years at the Bar, Charles Mathews, with whom I had been on intimate terms for a long period, spoke to me about his boy, who was then at Eton. He said: "I mean to send him to the Bar. I think he is very smart and will do well, but I want you to grant me a favour,

and, as we are very old friends, I think you'll do it. His mother and I have been talking over his future, and we have decided that we should like him to go into your chambers. Will you take him?" As a matter of course my reply to an old friend was in the affirmative. I do not think that young Mathews has altered in appearance from that day to this. He was then quite an old-fashioned little gentleman, but with all the manner and tone which I have always considered peculiar to Eton.

He remained with me until 1879, and, as what is termed a "devil," was of the greatest possible service to me. In this book I had not intended to say much about those who are still practising, but I must break my rule in this particular instance. I always predicted of young Mathews that he would take a foremost place in his profession, and from what I have gathered, during the last two years, my prophecy seems to be in a fair way of being fulfilled.

I really believe that young Mathews could tell more about me than I am able to do myself, for he was my *alter ego*. I am bound to say that any kindness I may have shown to him in the past, was amply repaid by the tender friendship that he showed me in the misfortune that befell me in 1886.

My pupils generally turned out well, but I think I may say that young Mathews was the best of the lot. I often think of a story that he tells about a case that took place soon after he was called to the Bar, and at a time when I was in very large practice. It was a case of conspiracy, in which two Jews were associated with the defendant. I had been very much harassed one day at the Central Criminal Court. I may say, indeed, that no one who is not in the swim can have any conception of the amount of work and worry that devolves upon a counsel in leading practice at the criminal Bar. He has to be at chambers at nine o'clock in the morning, and, an hour later, he has to be at his post. Several Courts sit simultaneously, and possibly he has a case going on in each of them at the same time. He has to do the best he can, with the assistance of juniors and "devils." In one Court, perhaps, he will open the case, in the next, cross-examine the principal witness, in the third, make the speech for the defence; and all this while he has to keep in touch with the various cases, and from time to time make himself acquainted with the course they are taking. When the Courts adjourn at five, he returns to chambers for consultations, etc., which occupy him probably until half-past seven o'clock, when he rushes home to snatch a

hasty dinner, after which he reads his briefs for the following day. Sometimes he has to keep up half the night perusing his papers, and, not unfrequently, when he gets to bed, his brain is too much occupied to allow him to sleep.

It was after a particularly busy day that the incidents occurred to which I am about to allude. I was sitting at my desk reading one brief, while Mathews and a fellow-devil were noting up another. My second clerk, who had been with me since he was a lad of twelve, was named William, and in regard to him I may remark, in passing, that a better assistant no man ever had. I always used to call him "Faithful William."

On the night in question, he came to me with a brief in his hand, and said:

"Case to come on to-morrow morning. Mr. —— the solicitor" (mentioning the name), "is outside with his clients They are two Jews, and they want to have a conference at once and attend it personally."

I was full up for the morning, but I looked at that which always catches the barrister's eye, namely, the endorsement of the fee on the brief, and perceiving that the figure was not a very large one—eight guineas, if I remember aright—I said:

"Take it back. Let somebody else have it. I can't do it, I haven't the time."

William left the room, but in a short time returned. In his absence I had heard a conversation going on in the clerk's room which grew louder and louder. William said:

"Will you see them, sir?"

I replied:

"Certainly not; what do they want? I have already told you I'll have nothing to do with it. The size of the brief is anything but commensurate with the size of the fee."

"Well, sir," William said; "I don't think it's a question of money. I think, if you will allow me to suggest a proper fee for such a brief, the matter will be settled. It will be parting with their heart's blood, but I think they will do it."

Turning round wearily, I said:

"Do what you like," whereupon he left the room.

Presently he returned with the brief, the "eight guineas" having been erased, and a much larger figure put in its place.

"Well," I said, "what is the meaning of this?"

"It's all right, sir," he said, "the cheque has been paid, but you must see them. Shall I show them in?"

I assented, and the next minute William ushered the two

Jews and the solicitor into my presence. The former were very polished gentlemen as far as grease went.

My visitors having sat down, I perceived that the alteration on the brief had apparently had a considerable effect upon them, for they were as pale as death. I went through the papers hurriedly. It was the old story—fraud, conspiracy, and false pretences. Owing to the rapidity with which I had to run through the brief, I could gather but a small insight into the matter. Therefore, when the two Jews, who had been watching me intently, asked, eagerly:

"What do you think of it, sir?"

I replied:

"Well, I really don't know what to say. When is the case to be tried?"

"It's the first one for to-morrow, sir," they answered.

"Very well," I said, "I'll take the papers home with me, and you had better instruct your solicitor to have a further talk over the matter in the morning; say at 9.30. I must have a junior. It's quite impossible for me to be in this particular Court during the whole of the time. I can be there when the case is opened on behalf of the prosecution, but I must have somebody to watch the witnesses, and, if necessary, cross-examine them. All I can undertake to do is to make the speech."

"Who shall we have, sir?" said one of the Jews; "there is so little time."

It is contrary to etiquette at the Bar for counsel to name their own juniors; nevertheless, somehow or other, before the Jews left, my young friend Mathews had been instructed as my junior. I think it was one of his first briefs.

After the departure of my visitors, I begged Mathews to run through the papers as well as he could that night. There had, of course, been no time to prepare a second brief, so I lent him mine, with instructions to come to me at half-past eight on the following morning and put me in possession of the main facts.

Mathews did as I directed. He had evidently taken a great deal of pains about the matter, for he had made a most exhaustive summary of the whole case. On going into it, I perceived that there was an absence of technical proof, and that, upon this rock, the prosecution would undoubtedly split. We went into Court, and there found the two Hebrew gentlemen, who had secured seats behind those reserved for the counsel.

Almost as soon as the prisoner had been given in charge of the jury, the usher came to tell me that I must go at once into another Court. As I hurried away, the countenances of the two individuals just referred to were a perfect marvel. I knew quite well that the case was safe in the hands of my junior.

He subsequently told me that he overheard one Jew say to the other: "We're going to have a nice long day to-day," whereupon the other replied: "So we ought—we've paid for it."

The case proceeded, and as I knew exactly what was going to occur, I did not bother my head about it. Before leaving, I told Mathews to send for me as soon as the case for the prosecution had closed. In due time I received his message, and came into Court. The present Recorder, then Common Serjeant, was trying the case—which circumstance gave me some satisfaction, for I knew that, among his numerous good qualities as a Judge, he possessed a most technical mind. I rose, and said: "My lord, there is no evidence to go to the jury;" and I proceeded to state my objection. The Common Serjeant listened patiently, and when I had finished, said, with a smile (for it was a gross case of fraud): "Well, Mr. Poland" (for he was prosecuting), "what do you say to this?" No one in the world was more capable of getting out of a difficulty than my learned friend; but it was of no use. His lordship looked at me, and said: "Well, Mr. Williams, I am afraid your objection is fatal." Then he turned to the jury, and observed: "Gentlemen, you possibly won't understand what has been going on. There is a legal difficulty in the way. The learned counsel for the prisoner has taken an objection, and I am bound to say, much as I regret it, it is a fatal one; and it is your duty—regardless of your conviction—under my direction, for it is a matter entirely for me, to return a verdict of 'Not Guilty.' I confess," he added, mopping his eyes, "I'm exceedingly sorry, for a grosser case of fraud during the whole of my experience, both as counsel and Judge, which extends over a great number of years, I have never known; but my duty is plain, and so is yours, and you must return a verdict, if you please, of 'Not Guilty.'" The jury, instead of at once obeying this mandate, turned round in the box and held a consultation. The Judge, who was never guilty of wasting time, then addressed himself to the foreman as follows: "You and the jury must take the law from me, much as you may regret it, and much as everybody must regret it. I am

bound to tell you again that you have nothing at all to do with it. I direct you in law to say that the prisoner is 'Not Guilty.'" Upon this, but with considerable reluctance, and with a face that certainly was not beaming with pleasure, the foreman did as he was directed.

The case having thus ended prematurely, I heard one of the Jews say to the other: "Call this a long day? Upon my soul, but we've been swindled." They evidently thought nothing of the acquittal of their friend. The mind of the Jew was, as usual, hankering after the money and the money's worth.

It was somewhere about this time that a case occurred which was somewhat remarkable, not so much on account of the facts involved, as from the character of the individual who was principally concerned. This was a man very well known about London. His name was Frederick Fraser, and on the racecourses, and in the various fast quarters about town, he was known as "Flash Fred." He was charged with forgery, and I appeared as his counsel. In spite of the delinquencies of this person, I confess I took a considerable interest in him. This certainly did not arise from admiration of his character—for a greater rascal never lived—but there was something about him which influenced one.

There were two indictments against the accused. The principal one, and that upon which he was first tried, was that of forging the name of Captain Candy, well known then, as he still is, by the sobriquet of "Sugar."

The prisoner appeared in the dock dressed in the height of fashion. He was exceedingly good-looking, and would have passed anywhere as one of the youthful sparks of the day. The case having been opened for the prosecution, witnesses were called, and their testimony being pretty conclusive as against my client, I was instructed to put into the box a great deal of evidence as to his character. That such witnesses should have been forthcoming may, on the face of it, strike the reader as a curious circumstance; but perhaps I shall throw some light upon the mystery when I mention that those who entered the box were, for the most part, tailors from Bond Street, Clifford Street, Conduit Street, and other thoroughfares in the West End.

I struggled hard, but the odds were terribly against me. Nevertheless, when I sat down, after delivering my speech, I fancied I had made some impression upon the jury. They duly retired to consider their verdict.

I was sitting in my customary seat underneath the dock, and the prisoner leant over to me and said: "Mr. Montagu, do you think I have a thousand to one chance?" Turning round to him, I replied: "No." When an hour or so had elapsed, and no verdict had been returned, he again leant over towards me and said: "I think it's a ten to one chance now." At last the jurymen returned, and upon their faces there was not that expression of sad sternness which so frequently heralds a verdict adverse to the prisoner. While they were taking their places, the accused leant over to me for the third time, and quietly remarked: "Sir, it's six to four on me now."

He was right; for a verdict of "Not Guilty" was returned. "Flash Fred's" face beamed with delight, and he surprised everybody by his immediate preparations to leave the dock. In this, however, of course he was a little premature. It is not every prisoner who would forget that there was a second indictment against him; but "Flash Fred's" memory was evidently not his strong point. He was arraigned again, and the case was duly proceeded with. The second barrel in these cases is usually deadly. The trial was a lengthy one, and the jury again retired. This time, when they returned into Court, it was with a verdict of "Guilty."

Not addressing me, but apparently soliloquising, I overheard the convicted man murmur to himself: "Shocking bad luck—beat by a head." However this might be, the whimsical occupant of the dock was sentenced to five years' penal servitude.

In this connection I may relate another anecdote of "Flash Fred." About a year before the trial to which I have just referred, he was at the booking-office of the South-Western terminus, about to take his ticket for Chichester, he being desirous of attending the Goodwood Races. He occupied a rearward position in the long line of persons pressing forward to the ticket-hole, and it chanced that, some little way in front of him, stood George Payne. "Flash Fred" leant forward, and touching that gentleman on the shoulder, exclaimed: "Awful crowd behind here, George! Take a ticket for me, please." Mr. Payne, being unable, owing to the crowd, to see who it was that had addressed him, and never doubting that it was a friend of his, took an extra ticket, and handed it to the outstretched arm over the people's heads. The arm might have been again outstretched to convey the necessary coin to the purchaser of the ticket; but this is not what took

place. Mr. Payne heard a voice say: "Thank you, George. Ta, ta! See you at Goodwood;" and he then perceived a man, disengaging himself from the crowd, disappear through a gateway.

According to current report, it was "Flash Fred" who, when the Marquis of Hastings had a big winning account on the Derby, stole his lordship's betting-book from his pocket. The thief, whoever he was, knew that there were many thousands coming to the Marquis, and that he could not settle without his book. Nothing was heard of the stolen property until a reward of £500 was offered, and then it was restored to its owner, in return for that sum, on the condition that no questions should be asked.

It is remarkable what the personal influence of counsel will do with the jury, especially in the country. On one occasion I went down to Worcester on the Oxford Circuit. They were not my Sessions, but I was specially retained. While I was waiting for my case to come on, I witnessed a striking illustration of the truth of that which I have just said. The leader of the Sessions was Mr. C——, who was afterwards County Court Judge, and has since retired. These were the last Sessions in the county that he would attend, for he had just been made a Queen's Counsel. For a number of years he had been a leading man in the county, and he was a favourite with all classes.

C—— was defending a man for horse-stealing, and the evidence against the accused was of the most damning character. He had been seen in the immediate neighbourhood of the field from which the horse was stolen, shortly before the theft took place; he was seen driving the animal from the spot; and he was further identified as the man who subsequently sold the beast at Wycombe Fair. At the close of the prosecution, C—— addressed the jury in something like the following terms: "Gentlemen, I have been among you for a great many years. I was born in your county, and my people were with you for two or three generations. You have always been friendly with me, man and boy, and I don't think I have ever had an angry word with any of you. A change has now come over my life. Her Majesty has sent for me to make me one of her own counsel." The jurymen sat with open mouths, evidently under the impression that their favourite was about to be summoned to Buckingham Palace, Windsor Castle, or some other Royal residence, to have a *tête-à-tête* with the Queen. Continuing, C—— said: "I shall never address you

again. This is the last time my voice will be heard in your ancient hall." From the display of pocket-handkerchiefs at this point, I am under the impression that one or two of the jurymen were in tears. "Let us part," said the learned counsel, "as we have always been—the best of friends;" and without saying one single word as to the merits of the case before the jury, he sat down. The Chairman of the Quarter Sessions, in the due discharge of his duty, addressed himself to the evidence, ignoring entirely the observations that had fallen from the learned counsel for the defence. The jury put their heads together, and, after barely a moment's deliberation, turned round again. The foreman, with a peculiar shake of his head, said: "We finds for Muster C——." The Chairman informed the jury that their verdict must be either one of "Guilty" or "Not Guilty" as against the prisoner; whereupon, without waiting for their foreman, they all shouted out with one accord: "'Not Guilty,' sir." The prisoner was accordingly duly released.

CHAPTER XXV

AURI SACRA FAMES.

I become a member of the Garrick Club—Sir Charles Taylor—An amateur music-hall performance—H. J. Byron and his troupe of performing dogs—*The Truly Tattygraph*—The crime of dogicide—Another election petition—Astounding allegations—I get worn out and determine to go fishing—All the others insist upon coming—My client couldn't fish, and wouldn't let me—A midnight consultation—Exciting chase after an eavesdropper—We determine to throw up the sponge—I go to bed and have a troubled dream—A frilled night-shirt—"When you meet your client in h—ll," etc.

In 1873 I became a member of the Garrick Club, where I had been a frequent visitor previously. I remember the days of the old building, when Thackeray, Dickens, Albert Smith, Arcedeckne, "Assassin Smith," and Benjamin Webster, were members; and a very jovial place it was. The new premises were designed by one of the members, Nelson; and a curious circumstance was that, when the structure was nearly completed, it was discovered that the architect had forgotten all about the kitchens. When I joined, the principal man in the club was Sir Charles Taylor. I am bound to say that he had done a great deal for the institution, by giving it financial assistance before debentures were raised and issued; and in

point of fact, he rather ruled the establishment. There are a great many persons living who will remember Sir Charles. His appearance was peculiar, being suggestive of one of the parrot tribe. He was rather overbearing in his manner, especially to those whom he considered beneath him socially.

One day, on entering the club, he came across Dallas—then a well-known man on *The Times*—eating his lunch.

"Well, my penny-a-liner," said Sir Charles, "and how are you?"

Quick as lightning, Dallas replied:

"Quite well, thank you, you one-eyed macaw."

Every one who remembers Sir Charles Taylor will understand the allusion.

The Garrick has always been, and still is, the cheeriest of clubs. Of late years a novelty has been introduced into the customs there, principally in the interests of the actors—for the leading members of the dramatic profession belong to the Garrick. The custom to which I allude is that of giving supper in the strangers' room, where one can take friends up to an early hour in the morning.

The Garrick is the favourite haunt of Henry Irving, Toole, and a number of others who are not in the habit of counting the hours as they fly by night.

Somewhere about the period when the trials to which I have recently been alluding took place, I assisted at one of the most jovial entertainments that I ever remember. An amateur music-hall performance took place at Woburn Lodge—the house of my friends, Mr. and Mrs. Edward Lawson. The lower part of the premises was turned into a hall, with a bar and grill-room adjoining—the latter being presided over by Spiers and Pond themselves; and three or four young ladies, dressed as barmaids, took charge of the refreshment-room. Beer-engines connected with the cellar, and the supper was arranged precisely after the model of Evans'. A regular stage was erected in the rooms that were turned into a hall. Mr. Lindsay Sloper, the pianist, was musical conductor. The chairman—seated at a mahogany table, hammer in hand—was Mr. Edward Lawson.

I will describe some of the principal items of the entertainment, so far as I can remember them. Poor H. J. Byron appeared as Professor Byron, with a troupe of performing dogs. They were small boys, borrowed, I imagine, from Drury Lane; and so artfully were they attired, that they made excellent specimens of the canine race. Byron appeared in fancy costume, with a whip in his hand. A number of cards, with some thing

written upon each, were strewn about the stage, and after the faithful creatures had gone through a number of performances —such as jumping through hoops, and over chairs—various questions were put to them, each of which they answered by picking up an appropriate card. Thus, one of the dogs was requested to state which paper he was in the habit of perusing, and he replied by picking up a piece of pasteboard on which was written "*The Taily Tailygraph.*" Another question that I remember being put to one of these learned quadrupeds was: "If you were tried for dogicide, what Judge would you prefer to be tried by?" The card that was held up in response was inscribed with the name of "Mr. Commissioner Cur." There was a glee-company composed of Sir (then Mr.) Arthur Sullivan, Mr. Arthur Cecil, Freddy Clay, and Billy Pownall. I sang two comic songs, "Pretty Little Flora," and "Immensikoff." Douglas Straight sang "Angelina was very fond of Soldiers," and "Good-bye, John, don't be long, but come back soon to your poor little chick-a-biddy." My wife gave, "Pretty Little Topsy," and another ballad. Two songs were also sung by Mr. Albert Levy, "Come and be a Member of the Rollicking Rams," and "Champagne Charlie." Mr. Alfred Maddick favoured the company with a conjuring entertainment; while Shirley Brooks, the then editor of *Punch*, played the part among the audience of the dissatisfied visitor who was always finding fault with the performance. As will have been seen, I had, earlier in my career, had a good deal of theatrical experience; but I can honestly say that this was the most successful entertainment at which I was ever present.

I have mentioned some election petitions in which I appeared, but there is one to which I have omitted to refer. This was the petition against ——, who was the sitting Member for ——. The case afforded me great amusement.

We were told that the trial was likely to last considerably over a week. It was summer-time, and this had been one of the hottest years that I ever remember. Good Heavens! what a town. Of all the horrible places at which I have ever stayed, this was the most horrible. A number of us appeared on behalf of the sitting Member. My brother juniors and I were located at the principal hotel in the town, while our leader, Mr. ——, pitched his temporary tabernacle at a town some few miles off. He had always had the character of being a remarkably crafty individual, and he proved the justice of the supposition on this occasion.

According to the allegations of the petitioners, gold had

exchanged hands freely. If there was any truth, indeed, in the charges they brought forward, of all the corrupt boroughs that ever existed, —— should certainly have taken the palm. The highest and the lowest were, it seemed, alike steeped in bribery. As for treating, well, it is no exaggeration to say that there could scarcely have been a single sober man in the town, from three weeks before the election till six weeks after it. The "man in the moon" had shone most brilliantly in every hole and corner.

Mr. Justice Mellor was the Judge, and I think that even he, who had had considerable experience in election petitions, was astounded at what had, apparently, been taking place.

Though I was the junior of his juniors, it is my impression that our client depended very largely upon me. The reason for this would very likely be that I had known him and acted for him previously.

I was not in very good health at the time of the trial, and at the end of about the fifth day I felt utterly worn out. I positively longed to get out of the stifling atmosphere of ——, and I eagerly sought an opportunity to do so. I had made friends with the landlord of the hotel, and as the result of some inquiries I put to him I learnt that, about four miles away, he had some ponds that were plentifully stocked with tench and carp. My delight was unbounded. Fancy! The prospect of green fields and trees; a fishing-rod in my hand; a pipe in my mouth; and a comfortable seat by the banks of a rustic pond! I arranged that, as soon as the Court rose that afternoon, a brake should be ready for me, containing rods, lines, and all the other necessary appurtenances; and I stipulated that my intentions should be kept a profound secret from my colleagues. Immediately the Court rose, I gave every one the slip, and, having arrayed myself in flannels, proceeded to the spot where it had been arranged the brake should await me. Judge of my disgust when, on approaching the vehicle, I encountered the sitting Member, his solicitor, and the whole *posse comitatus*. "Where are you going?" they all cried, "in this costume, too!" Well, I tried to prevaricate, but I couldn't; and I had to confess what were my intentions. With one accord they all shouted, "We'll come, too!" Good Heavens! this was precisely what I had been endeavouring to avoid. "Impossible," I said, "without tackle;" to which my client replied, "Oh, we can buy all that." (Of course, he was a City man, very rich, and thought he could buy everything.) "Well," I said, "I can't wait; I'm off;" and, with an expression upon my face the

reverse of amiable, I jumped into the brake, and was driven away.

The spot to which I was conveyed was very lovely, as, indeed, was the country through which I had driven. No smoke, no din; nothing but fresh air and charming landscape. The pond itself, as well as being picturesque, was, from the angler's point of view, a most seductive one. I had brought plenty of bait, and forthwith commenced operations. My initial efforts were crowned with success, for only a few minutes had elapsed before a splendid tench, weighing about two pounds, lay upon the bank by my side. In a word, I was getting on very smoothly.

Thus happily was I absorbed when I was rudely aroused. The landlord of the hotel had driven me over, and suddenly I heard him say: "Look you there, sir; here they come," and, to my horror, I perceived two waggonettes—containing all those from whom I had so longed to separate myself for a while—rapidly approaching Never before had I knocked the ashes out of my pipe so savagely as I did now. Here, then, was an end to all enjoyment.

The whole party having alighted, the servants they had brought with them proceeded to open a number of hampers stuffed with bottles of champagne and other luxuries. Very pleasant, no doubt, under given circumstances, but these were among the very things that I was anxious to get away from.

The dainties having been duly arranged on the bank, the sitting Member began to fish. I don't think he had ever had a rod in his hand before. He did not get his line into the water at all; it went to the blackberry bushes. I am not given to using bad language, but I don't think I should like to put down here all the phrases that ran through my head. My client could not fish himself, and so he wouldn't let me. Just at the very moment when I was about, I fancy, to have another tench, he came up to me, settled himself comfortably by my side, and began (Heaven give me patience!) to talk about the trial. Well, fishing was of course out of the question; so, in a towering passion, I flung down the rod.

A few days afterwards, matters in Court began to be very serious indeed. The case for the petitioner was closed, and it had become a question whether the mayor, one of the aldermen, and most of the leading tradesmen in the borough had not been guilty of bribery and treating. On the evening of the day on which matters came to a climax, my *confrères* and I—in the absence of our leader, who had hurried off to —— im-

mediately the Court rose—put our heads together with a view to deciding what course it would be best to pursue under the circumstances. As we had dined early, we were able to commence our consultation at eight o'clock; and we decided to sit up far into the night if necessary. We determined that proofs of our witnesses should be taken in a room adjoining the one we occupied, and that they should afterwards be brought to us. Our fear was for the men who were to be called to give evidence, for it was obvious that, in a borough where political feeling ran so high, if they swore to facts that were untrue, they would eventually be indicted for perjury. After we had proceeded with our task for some time, it was made quite manifest to us that the only thing to be done was at once to throw up the sponge, and resign the seat on behalf of our client.

My client and I sat up talking after the others had gone to bed. The truth is, he would not part with me. There we sat until one in the morning. He was very much averse to resigning the seat, and we were talking the matter over in disagreement, and in rather loud tones. Suddenly he jumped up from his seat on the sofa, and, placing his fingers on his lips, whispered:

"Hush! There's somebody outside."

I ran towards the door, and, as I caught hold of the handle, I distinctly heard the sound of some one scrambling over the banisters and jumping upon the stones below.

There were several candles in the room. I seized one, and told my companion to follow my example.

"Everything that has been going on here has been overheard," I exclaimed; and, saying that, I rushed from the room and down the stairs. Then I paused to listen. Everything was as silent as the grave. My friend had not followed me far. Candle in hand, he was leaning over the banisters, looking down anxiously upon me. I searched the kitchen, and the whole of the lower part of the house, but found no one. When I was beginning to think of relinquishing my fruitless search, I discovered a little doorway that had previously escaped my notice. I passed through this doorway, and found myself in a narrow passage which led into a little sort of back kitchen. There, seated in an arm-chair, before the dying embers of a fire, I found a man apparently asleep. Shaking him, I exclaimed:

"What are you doing here? He rubbed his eyes, as though awaking from the soundest of slumbers. "That won't

do," said I. "What were you doing outside the door upstairs just now—listening? I distinctly heard you jump from the landing."

The man protested his innocence again and again, and with every manifestation of virtuous indignation.

Meanwhile my client had come downstairs. Finding his way to the little back kitchen, he came and assisted me to interrogate the man before the fire. In a little while I went upstairs and called the landlord, and from what he was able to tell me, I decided that the individual I had discovered was none other than a spy from the enemy's camp. I had gone far enough—perhaps a little too far—in my zeal for the interests of my client; and I therefore left him and the landlord to settle with the intruder. I may here remark that the last-named was not seen during the further progress of the election petition. Goodness only knows what became of him.

I thought that, at any rate for that evening, my troubles were over; and I went to bed. Being pretty well worn to death, it was not long before I fell asleep. Then I had a troubled dream. I was industriously fighting the petition, facing obstacle after obstacle; and while thus engaged, I felt somebody's hand upon me. The next minute I had started from my sleep and was sitting up in bed, rubbing my eyes. A truly whimsical sight met my view. There was my little client standing by my bedside in a frilled night-shirt. I know well that the vision will never fade from my mind's eye.

"Good Heavens!" I cried. "Do let me have some sleep."

"No," he said. "I've been speaking to the landlord, and I've ordered a post-chaise, and you must start for —— at once. There, if you keep a sharp look-out you'll meet your leader on his way from ——, and you must tell him what has happened, and that I've determined to retire from the contest."

It was a good deal to ask of me; but I eventually consented to do what my client requested.

When the Judge took his place on the Bench that morning, my leader rose and said that, matters having come to the knowledge of the sitting Member of which he had previously been in complete ignorance, he had determined to vacate the seat. And thus the matter ended.

When dealing with the difficulties of cross-examination, I might have related an anecdote, *à propos* of the subject, about a Welsh advocate who subsequently became a Judge. The incident arose out of a trial for murder on circuit, at which he

appeared, instructed by a country solicitor—one of the leading practitioners in the town where the case was heard. The counsel was a very peremptory little man, and during the cross-examination he declined to put a certain question to the witness that was suggested by the gentleman instructing him. The solicitor pressed him again and again on the point, but still he refused to comply with the request.

"Well, sir," exclaimed the solicitor, at last; "these are my instructions, and mine is the responsibility. Therefore I insist upon your putting the question."

"Very well, sir," exclaimed the barrister, "I'll put the question; but remember, as you say, yours is the responsibility."

The question was put, and the result was that it contributed in a large degree to hanging the prisoner. The sentence having been pronounced, the barrister turned round in a fearful rage to the solicitor, and exclaimed:

"When you meet your client in h—ll, which you undoubtedly will, you will be kind enough to tell him that it was your question, and not mine."

CHAPTER XXVI.

PER MARE PER TERRAS.

Risk Allah *v. The Daily Telegraph*—Taking evidence at Brussels—Risk Allah's remark about the coffee—I accompany the *Procureur Général* to a Belgian Court of Justice—He takes a pinch of snuff from one of the men he is prosecuting—Serjeant Parry opens his case—A difference between the legal procedure of the two countries—Risk Allah's history—Finding the dead body—The position taken up by the newspaper—Alleged accomplices in forgery—Parry defines the issue—Verdict.

In June, 1868, a trial took place that for the time entirely absorbed public interest. It was the action brought by Risk Allah against the proprietors of *The Daily Telegraph* to recover damages for an alleged libel. The case, which was heard before Lord Chief Justice Cockburn and a special jury, commenced on the 14th, and occupied many days. The defendants pleaded "Not Guilty," and lodged a traverse of the innuendoes contained in the declaration. Mr. Serjeant Parry, Mr. Baker Greene, Mr. Butler Rigby, and Mr. Dumphy, appeared for the plaintiff; while Mr. Coleridge (now Chief Justice of England), Mr. Serjeant Ballantine, Mr. (now Sir) Henry James, and myself, represented the defendants.

The libel was alleged to have been written by the special correspondent of the paper at Brussels, in giving an account of, and commenting on, a trial which had taken place in that city on the 22nd of October, and eight following days, and in which Risk Allah appeared as the defendant, being charged with the double crime of murder and forgery. The solicitors for the proprietors of *The Daily Telegraph* were Messrs. Lewis and Lewis, the case being specially entrusted to Mr. George Lewis, Junior.

Some months before the trial at Westminster, a commission was issued for the purpose of taking evidence at Brussels. Mr. Lewis and I proceeded there, on this commission, as the representatives of the newspaper, while Mr. Baker Greene journeyed thither in the interests of Risk Allah. We stayed at the "Hôtel de Flandre," where a large room was set apart for the purposes of the commission. The proceedings took place before a commissioner duly appointed by the Courts in England.

I shall give some idea of the quantity of evidence that was taken when I state that the commission occupied nearly three weeks. The plaintiff himself was present throughout the inquiry. He was a most remarkable man. His manners were exceedingly good, and, considering the enormity of the charges that had been brought against him, it must be admitted that he took matters very easily. The inquiry was more like a reference than anything else.

The time at our disposal was so short, that we found it desirable, as a rule, instead of adjourning for meals, to have them served in the room where we were at work. One afternoon a curious incident arose out of this arrangement. I expressed a wish to have a cup of coffee, whereupon the bell was rung, and a waiter brought what I desired, and placed it on the table before me. I was at the moment busily engaged in cross-examining a witness, and Risk Allah, who was sitting by my side, very politely poured out the coffee for me. I turned suddenly round and saw him in the act, and I suppose there was something in the expression of my face that arrested his attention, for, with the sweetest possible smile on his face, he asked whether I took milk, and then, looking me hard in the face, added: "I assure you you need not be afraid, sir. I have put nothing in it."

The commission at length came to an end, and George Lewis and I returned to London, bringing with us the depositions that were to be used at the forthcoming trial in the

Court of Queen's Bench. I confess that I enjoyed my stay in the Belgian capital. It is a charming place, and I have often determined to revisit it. While there, Mr. George Lewis and I received very great assistance from the *Procureur Général*, who had been the counsel for the prosecution at the trial for murder and forgery. Mr. Lewis had a letter of introduction to him, and he showed us every kindness and hospitality. The new Palais de Justice, which, to judge from the picture of it I have seen, is one of the noblest and handsomest buildings in the town, was then unfinished, though even while in an incomplete condition, it gave promise of its future beauty. At that time, the Courts were held in a somewhat antiquated edifice. The *Procureur Général* conducted me there one day, so that I might have an opportunity of seeing how the law was administered in Belgium. On the occasion in question he was prosecuting two men for fraudulent bankruptcy, and, in order that I might the more closely follow the proceedings, I was accommodated with a seat by his side.

Three Judges sat upon the Bench during the hearing of the case. The Court was so arranged that the dock—where the prisoners, by-the-bye, were comfortably seated — was immediately behind the bench at which the *Procureur Général* stood while he opened his case. In perhaps the most damning part of his accusation against the two defendants, one of them produced from his pocket a snuff-box, and took therefrom a huge pinch of snuff. As he did so, the *Procureur Général* turned round and, with a smile and the word "*Pardon*," also took a pinch from the box; after which he concluded the sentence that had been for the moment interrupted. Imagine such a thing in an English Court of Justice! But they do strange things abroad.

In opening his case before the Chief Justice at Westminster, Serjeant Parry characterised the narrative he was about to unfold as one of the most extraordinary that was ever listened to in a Court of Justice, fruitful as the Courts of all nations were in interest and romance. In a few preliminary sentences he called attention to the difference between legal procedure in this country and abroad. In England, Risk Allah could only have been tried for one of the crimes at a time, whereas, in Belgium and France, the *Procureur Général* could include in the *acte d'accusation* as many charges as he liked, however dissimilar they might be in character. Parry went on to say that, after the Belgium trial had lasted for nine days, and after seventy witnesses had been examined, his client had been

triumphantly acquitted. All the leading foreign newspapers, English and otherwise, had been represented at that trial, and among the number *The Daily Telegraph*, which was, perhaps, the most influential organ in this country, and certainly the most widely read. The special correspondent of *The Daily Telegraph*, continued Parry, had all along in his reports, as would be seen when extracts came to be read, assumed the guilt of the accused, about whom, indeed, he had printed the grossest libels and calumnies. At the end of the trial, when the innocence of Risk Allah had been established and demonstrated, a leading article appeared in the paper actually reiterating all the charges, and containing, not exactly a bold statement that they were true, but innuendoes pointing unmistakably to the conclusion that the writer believed Risk Allah to be a murderer and a forger.

Parry next addressed himself to the character of his client. By birth an Assyrian, he had been educated for the Greek Church. Altering his intentions as to the profession he would adopt, he came to England to study medicine, walked the hospitals, passed at the College of Surgeons, and became an associate of the medical school at King's College. Afterwards, during the Crimean War, he was appointed by the Duke of Newcastle, then Secretary for War, to the position of a medical officer on the staff of Omer Pasha; and, in recognition of his services, he was awarded the Crimean Medal of England and Turkey. Returning to this country in 1856, he at once married a widow of the name of Lewis. He simultaneously became acquainted with a young man named Charles Readley, who was, it was believed, the natural child of his wife's sister. Mrs. Lewis was possessed of a considerable fortune, and marriage settlements were prepared by which, *inter alia*, Readley was to be paid a sum of £5,000 upon attaining his majority. In 1859, Risk Allah's wife became ill, and, after going to Germany, to drink the waters, on the advice of Sir William Fergusson and Dr. Ramsbotham, she died.

Serjeant Parry next commented upon the fact that, in a Continental Court of Justice, when a particular accusation is brought against an individual, it is competent for the counsel for the prosecution to rake up anything of a damaging character in the past life of that individual. "Accordingly," said the Serjeant, "in this *acte d'accusation* it was insinuated that Risk Allah had murdered his wife, and it was actually so stated by the Public Prosecutor at his trial; the charge being reiterated in the libels published in *The Daily Telegraph*.

After his wife's death, Risk Allah of course came into possession of her property. Risk Allah had, in 1861, been appointed guardian of Charles Readley, by the Court of Chancery, and the young man being anxious to go to sea, went either to the East or West Indies; and in the *acte d'accusation*, they had actually charged Risk Allah with sending him there for the purpose of accomplishing his death. Readley subsequently returned to Spa, where he fell in love with a young lady of the name of Aikin. Risk Allah was anxious to promote the suit in every way; but Readley gambled, exceeded his income, and, in point of fact, was rapidly going to the bad. It was alleged that, in 1865, Mrs. Aikin, the mother, showed herself averse to the match, and was determined to break it off. This seemed to make a deep impression upon the mind of the young man, and events culminated in the terrible deed which closed his career. On the morning of the 30th of March, 1865, he was found shot in his bedroom, the bullet having passed from the left-hand side of the jaw to the right ear. The chamber-maid had seen him asleep in bed at seven o'clock. That same morning, Risk Allah was called early, and at half-past seven he was seen coming downstairs and going out of the hotel; and he did not return until past nine. On his arrival, he inquired if the doctor had been to see his nephew, and on being told by the landlord that the bell of Readley's bed-chamber had not been rung, he proceeded to the young man's room—number seven. He tried the door, but found it was locked. He looked through the keyhole, and, as he saw smoke and smelt it, he cried: 'Help! Help!' at which everybody ran upstairs. On breaking open the door, a sad spectacle met their gaze. The young man was lying dead in bed, and perfectly naked. Risk Allah tenderly placed the coverlet upon the body. A gun was seen beside the bed, and on the table was found a slip of paper, on which were written these words: 'I've done it.'"

The learned counsel next addressed himself to the merits of the trial that took place abroad. He said:

"The whole question was, whether this was a murder or a suicide, and a great deal depended upon the position of the body, of the gun, and of the wound. A commission has been granted from these Courts, and a great volume of evidence has been taken. The witnesses have been examined and cross-examined by Mr. Montagu Williams on the one side, and Mr. Baker Greene on the other. The whole of that

evidence has been returned in the form of depositions, and it will be laid before the jury during the trial. . . . Risk Allah always declared it to be a suicide; the magistrate who examined him declared it to be a suicide; the jury who tried him in Brussels declared it to be a suicide; but *The Daily Telegraph* insisted by their innuendoes that it was a murder. . . . Of course it will be asked whether Risk Allah gained anything by the death of the boy. The answer is that he did. He was the residuary legatee, and was entitled on the boy's death to the £5,000."

The Serjeant next referred to the alleged forgery, and stated that Risk Allah had become acquainted with a man named Osborne Affendi, and that, believing him to be a man of high position in the mercantile world, and a gentleman, he had placed the most implicit confidence in him. This man, however, turned out to be a most experienced and abandoned forger; and Risk Allah became his dupe on several occasions. Those were the facts; but it had been alleged at the trial, and afterwards repeated by *The Daily Telegraph*, that Osborne Affendi and Risk Allah were accomplices in forgery. This acquaintance with Affendi had, the learned counsel declared, been the most unfortunate circumstance in his client's career. It had led to his arrest in Paris, and to his subsequent trial at Brussels.

Coming to the defence, Parry said:

"The defendants, by their plea, have said they are not guilty of publishing the libel. They do not say they are justified in publishing it because it is true—which they might have done—but they put forward what is an evasive plea. They will endeavour to induce you to say that Risk Allah was really guilty of the offence; that general evidence warranted them in thinking him so; that the comments were such as an honest and impartial journalist might make. This is really the issue you will have to try."

Parry then read the various passages from *The Daily Telegraph*, on which he relied, and finished his opening by saying: "Now, in actual terms, there is not a direct statement against the plaintiff; but by insinuation and innuendo there is. What the plaintiff complains of is the account given of the trial by the correspondent, and by the writer of the leading article They are both shrouded in that anonymity in which writers of the Press desire to screen themselves, and no doubt they will not appear to tell you—the one, whether he was in Court during the trial: the other, whether he wrote from honest con-

viction. Risk Allah has not to contend with living witnesses, but with *The Daily Telegraph*. Gentlemen, *The Daily Telegraph* boasts, and probably truthfully boasts, of having the largest circulation of any paper in the world; wherever it reaches, these slanders have been read and have been commented upon in a spirit not favourable to my client. The forces against him are almost overwhelming. I hope we shall hear nothing about the liberty of the Press in this inquiry. The question is not that liberty, but whether the Press has improperly invaded private character, and whether it has—after a man's life has undergone a great public investigation by a thoroughly competent tribunal, and he has been declared innocent of the charges brought against him—attacked and assailed him again, and reiterated the charges. If Risk Allah had been guilty, there was nothing for him to do but to retire into such obscurity as he might be able to find. If he were conscious of guilt, would he have taken the course he has now adopted? From the moment that he was questioned by the French spy—who, when he was originally arrested at Brussels, visited his dungeon for the purpose of interrogating him—down to the present time, he has asserted his innocence, and done everything that was possible to convince others of it. He has challenged a powerful newspaper in this country to attempt to prove his guilt, and he comes before you for the vindication of his character. He tenders himself for a severe inquiry into his whole life. That inquiry will be made by some of the ablest counsel at the Bar, who are arrayed against him. Gentlemen, you will have to decide between the defendants who have sullied, and him whose character has been sullied; you will have to say where truth and justice lie between these two parties, and I believe that the most fearless man in the Court is my client, Risk Allah, who has heard everything that has been said; and I cannot help believing that that fearlessness springs from a consciousness of his innocence."

The first witness called was Risk Allah himself, and he was examined and cross-examined at enormous length. The cross-examination, indeed, lasted for several days. The depositions from Brussels were then read, and other witnesses were called. The evidence at an end, Serjeant Parry proceeded to review it, and on the afternoon of June 20th, Mr. Coleridge commenced his speech for the defendant, and a most exhaustive speech it was. The Lord Chief Justice afterwards summed up; and those who were present, and had known his lordship both as an advocate and a Judge, charac-

terised the summing-up as a masterpiece, even for him. The jury retired to consider their verdict, and after an absence of two hours they returned into Court. The foreman stated that they had agreed that the verdict should be for the plaintiff, but that on the matter of damages they were eleven to one. He asked whether counsel on both sides would accept the verdict of the eleven. It so happened that I was the only person present representing the defendants; and though Mr. Baker Greene assented to the verdict, I, in the absence of my leaders, declined the responsibility of doing so. The jury accordingly again retired, and returned half an hour later, with a verdict for the plaintiff upon both issues, damages being given at £960.

CHAPTER XXVII.

ADHUC SUB JUDICE LIS EST.

Long cases and large fees: Mr. Coleridge's observation—Chief Justice Cockburn's remarks about the Press—What another Chief Justice said: "Who is Mr. Corney Grain?"—*The Daily Telegraph's* leading article—The necessity for a Court of Criminal Appeal—Instances of how it would have been useful—Should defended prisoners address the jury?

It was during the progress of the Risk Allah trial that Mr. Coleridge, who was then in very large practice, turning to me, said:

"When you have had my experience at the Bar, you will pray not to be afflicted with these long trials. They never pay, large as the fees may be, and they keep you out of every other business."

Another matter to which I cannot help alluding was the charming manner in which Chief Justice Cockburn, during the trial, went out of his way to praise the Press of this country generally, and to gracefully allude to the manner in which *The Daily Telegraph* was conducted. How different from another Chief Justice who subsequently observed in another trial: "I never read *The Daily Telegraph*." But then the same authority, during the same trial, observed: "Who is Mr. Corney Grain? I never heard of Mr. Corney Grain!"

In the issue in which *The Daily Telegraph* recorded the result of the trial, a leader upon it appeared, and I cannot refrain from quoting portions of it.

"It is not only," said *The Daily Telegraph*, "by Courts of

Law that these delicate questions of journalistic duty are settled. There is a tribunal of appeal to which, without complaint against the legal tribunal, we proudly carry our case. The public is the real judge of all such cases, and no judgments but those of the public can condemn its own faithful representatives." Later on, the article proceeded: "His lordship softened the condemnatory tone of his charge with eulogies, which we might quote with pride, if it were needful to go to that high standard of estimation to vindicate the labours and the spirit of this journal. We accept the weight laid upon us in words like these: 'The higher the character of the paper, the larger its circulation, and the more extensive its influence, the more serious are the consequences to the individual whom it wrongs.' The jury of public opinion do not hold that *The Daily Telegraph* would, if the error could be avoided, brand an innocent man with murder. The jury of public opinion do not believe that, to spice a paragraph or season a column, *The Daily Telegraph* would trifle with a man's hope of life. The court of public morality has not condemned us in this matter, and while we deserve and have the unbounded confidence of the public, a fine like this for a duty done towards the English people can be sustained without a murmur, and will not make us afraid to write what we believe to be the truth."

There are some remarks I desire to make with reference to the necessity for establishing in this country a Court of Criminal Appeal, and, perhaps, had I only thought of it in time, those remarks would most fittingly have followed upon the account I gave of the circumstances connected with the Hatton Garden murder. It will be remembered that, in that case, a remarkable dead-lock was brought about. A man named Pelizzioni was tried for murder and found guilty. While he lay in the condemned cell, facts came to light which gave rise to the belief that another man, of the name of Gregorio, was the real author of the crime. Gregorio was thereupon tried and also found guilty, not actually of murder, but of manslaughter. It was, indeed, a situation that would have been ludicrous but for its solemn character. As I explained at the time, an ingenious way out of the difficulty was happily discovered. There had been a lesser indictment against Pelizzioni, on which, of course, he was not tried after being found guilty of the capital offence, and the authorities now bethought themselves of the expedient of reviving this indictment. Thus it came about that, in all, three trials took place.

There would have been no necessity for more than one trial had a Court of Criminal Appeal been in existence. By a Court of Criminal Appeal I mean a Court having the power to review a verdict or sentence in the light of any facts that might transpire after the trial. There is already a Court for the consideration of Crown Cases Reserved, but it has only to decide questions of law, and that only when the Judge consents to hold any particular point over. For years, the reform for which I am pleading has been demanded of successive Governments; but the matter remains *in statu quo*. Session after session the excuse is made that the Irish Question so occupies the time and attention of the House of Commons that it has not a spare moment for home legislation of the description referred to. One, at last, is forced to ask oneself the question: Are the liberty of the subject, and a question of life and death, mere secondary considerations? It certainly would appear so. As I am writing a matter is engrossing the attention of the public, which is very much *à propos* of the subject under consideration. An unhappy woman is, at this moment, lying under sentence of death at Liverpool for the crime of poisoning her husband. She has been tried by one of the ablest and most conscientious Judges who ever sat upon the Bench, and regarding whom I may say that, in criminal matters, he is second to none. His "Digest of Criminal Law" is the ablest book of its kind that has appeared. One learns that, after a long and patient investigation, and after the accused had been found guilty, a scene took place in the city where she was tried, which I am glad to say is, so far as I know, without a precedent. The Judge, upon leaving the Court, was hooted and hissed by a turbulent mob. Again, for some reason or other, persons who are in no way concerned in the matter—the majority of them being in complete ignorance of legal affairs—are cavilling at the justice of the sentence, and insisting that the whole trial is eminently unsatisfactory. With some surprise I see that the Bar of the circuit have originated a petition to the Home Secretary, and it is, I gather, now lying at the Assize Court for signature. I cannot help thinking that this is a very dangerous precedent, and that, if this sort of thing is to go on, the due course of justice will be seriously impeded.

In connection with the case in question, there is another point to which I would briefly refer. Should an accused person, besides having a speech made on her behalf by her counsel, be

permitted to make a statement herself? Judges differ widely upon this question. In the early part of my professional career, I never knew of this course being taken. Later on, however, I was aware, on more than one occasion, of such a statement being made, the practice having, I believe, originated with Mr. Justice Hawkins. Personally, having regard to my clients' interests, I would never permit such a thing. I do not desire to discuss the matter here; but I may say most emphatically that, in my opinion, it is a fatal mistake to allow a prisoner to address the jury when he has counsel to do so for him. When I have seen this course adopted, it has generally been by the sanction of counsel who, however excellent they may be as *nisi prius* advocates, are mere amateurs, so to speak, in great criminal cases. As a rule, they have been afraid of what, in their eyes, was a losing case, and they have felt that they avoided a grave amount of responsibility by allowing the accused to make his or her own statement. The questions as to whether a prisoner should be allowed to give evidence himself and to be examined upon oath, and as to whether a wife should give evidence on behalf of her husband and be sworn in the same way as any other witness—these are questions that can only be setttled by the Legislature.

CHAPTER XXVIII.

MAGNA EST VERITAS ET PRÆVALEBIT.

My connection with the Tichborne case—I apply for bail on behalf of the Claimant—His solicitor instructs me to conduct his defence—A consultation that lasted all day—The retainer is, at my request, withdrawn—A case of conspiracy and perjury—Ingenious villany—A hairdresser charged with murder—How the deed was done—A plea of insanity—"Not Guilty"—Attempt to defraud the Metropolitan Railway Company—An imaginary refreshment room—Distinguished medical witnesses.

I ALWAYS thank my stars for the escape I had over the Tichborne case. After the Claimant had been committed for trial upon the charge of perjury, he placed himself in the hands of Mr. Gorton, a solicitor, of Bedford Row. That gentleman instructed me to make an application for bail, the prisoner being at the time in Newgate. This application could be made either before a Judge, or the alderman presiding at the Guildhall, and it was arranged that I should go before the latter

As the application had to be made in the prisoner's presence, the alderman, the counsel for the prosecution, the magistrate's clerk, etc., accompanied me to Newgate, and the business was transacted in the governor's room there.

The result of my intercession was that the defendant was liberated from custody. In point of fact, I was the only advocate who ever succeeded on his behalf. No particular credit, however, is due to me, because, as the case was one of misdemeanour, it was incumbent upon his worship to admit the defendant to some sort of bail, the only question being as to the amount.

After the Claimant had been released, I received a retainer from Mr. Gorton to conduct the defence as leader, and at the same time a letter from the Claimant.

I had several interviews with the solicitor, Lord Rivers, and Mr. Bloxam, the two last-named having, as is well known, stood by the defendant throughout the whole of the proceedings. At one of these interviews, I requested that I should have an opportunity of questioning the Claimant in person. I stated my willingness to devote a whole day to the task, and I proposed that I should meet him, his solicitor, and his friends, at ten o'clock one morning. My proposition was acceded to, and the meeting took place. I had not formed an over-estimate of the time that would be required; the consultation lasted all day When it had drawn to a close, I was asked for my opinion. My reply was that I required time to think the matter over.

After carefully weighing all that had passed at our meeting, I wrote to Mr. Gorton and requested him to withdraw my retainer. I stated that, having regard to the multiplicity of my engagements, I did not see how it was possible for me to give up my time to so stupendous a case as the one in question.

My retainer was then withdrawn, and handed to Dr. Kenealy, Q.C., who subsequently conducted the Claimant's defence.

In 1872 a trial took place—before the Recorder of London, at the Central Criminal Court—which afforded a good illustration of how guilt may be fixed upon an innocent man. The facts arose out of a case which, after being heard at the police-court, came on at the Middlesex Sessions. Three persons who had given evidence in that case, were charged, one with perjury, and the other two with conspiracy. Their names were Samuel Shelldrake, Thomas Wallace, and Charles Rowland.

A man, named John Moorhouse, had been charged with stealing a watch, I being entrusted with his defence. It appeared that Shelldrake and Rowland had been in his employment, and that it had been the custom of the former to frequently visit him at home. One of those visits was paid on the 7th of May. Next day, as Moorhouse was about to enter his house, a detective, named B——, stepped up to him. In consequence of what the officer said, he put his hand in the pockets of one of his coats, which was hanging up behind the door. His housekeeper, who was present, assisted him to search the garment, and in a few minutes she took therefrom a small paper parcel, which, on being opened, was found to contain a Geneva watch. The officer then took Moorhouse into custody on the charge of stealing the article in question. One of those who came forward to give evidence against him was the man Wallace, who swore that the watch was his property, and that it had been stolen from him. After a remand had been taken, Shelldrake was put into the box. He deposed that, in a public-house, the prisoner had shown him the watch and asked him to buy it for fifteen shillings. Other evidence was taken, and a verdict of "Not Guilty" was returned.

The proceedings against Wallace, Shelldrake, and Rowland, were now instituted. Moorhouse, on being put in the box, declared that the statement made by Shelldrake at the previous trial as to the public-house incident was a complete fabrication. The housekeeper was called, and she stated, *inter alia*, that Shelldrake's visit to the house, on the day prior to the discovery of the watch in the coat-pocket, had been paid ostensibly for the purpose of borrowing a putty-knife. She also deposed that, while looking for this article, she had left Shelldrake standing near the door upon which the coat was hanging. A man was put into the witness-box who stated that, a short time previously, he had lost his portmanteau. He went on to describe how he had had a meeting with Rowland, Shelldrake, and a man named Gordon, and how the first-named had made the following remark: "If you have anything about you that you can swear you lost in your portmanteau, and if you will give it to us, we will plant it on Moorhouse, as we want to get him out of the way. It can be put somewhere in his house." The witness further stated that he met Shelldrake and Rowland on a subsequent occasion, and that the former had described how a friend of his had lost a watch in St. James's Square, and had reported the circumstance at the police-station, and how they,

having obtained possession of the article, were, on the following day, going to slip it into the pocket of one of Moorhouse's coats.

Shelldrake pleaded "Guilty" to the charge of perjury. Previous to doing so, he made a long statement admitting his guilt. In the course of the evidence it was proved that Wallace was the man who went to the police-station and gave information, first as to his having lost a watch, and afterwards as to its having been found. Shelldrake, in his statement, put the principal blame upon the shoulders of Rowland. He declared that one afternoon Rowland said to him, "I've bought a watch of a man who sells coins, and I'm going to put it into Moorhouse's pocket, and when that is done I shall give information to B——, the detective." Shelldrake further stated that Rowland did not put the watch there, and that he himself had not done so; but that they had got somebody else to do it for them. Shelldrake added that he made this statement without any hope or inducement being held out to him.

At the end of the case for the prosecution the Recorder, Mr. Russell Gurney, held that Wallace must be acquitted, as the only direct evidence against him—with the exception of the proof that he was the man who, at the station, made a complaint as to the loss of his watch—was the statement of Shelldrake. Shelldrake and Rowland were both found guilty, the former being sentenced to five years' penal servitude, and the latter to eighteen months' imprisonment with hard labour. In conclusion, I may remark that, at the trial at the Central Criminal Court, I appeared, with Mr. Warner Sleigh, for the prosecution, while the prisoners were defended by Mr. Besley.

A curious case of murder was tried before Mr. Justice Hannen at the end of this year. A man named James Rogers, a hairdresser, was charged with murdering his wife, the prosecution being conducted on behalf of the Treasury by their counsel, Mr. Poland and Mr. Besley, I appearing for the prisoner.

Rogers lived with his family, which consisted of his wife, a daughter of eight years old, and a son of three. It appears that one Sunday they all went to Victoria Park by omnibus, having, on the journey, some refreshment. Before they left home, husband and wife had been quarrelling. On their return they had some supper before going to bed. The little girl deposed that she was awakened in the night by hearing her mother cry out: "Eliza, your father has cut my throat." The

child stated that, when this occurred, daylight was breaking. She saw her father place a razor on the table, after doing which he sat down at the foot of the bed. Her mother ran out in her night-dress, with her throat bleeding, and sat on the door-mat.

The landlord stated that he was aroused by a noise, and that he went down to the room occupied by the Rogers' to ascertain what was the matter. He found the wounded woman seated at the door, and she said: "Oh, do help me; he has cut my throat." The witness stated that he then turned to the prisoner, whose throat he saw was also bleeding, from what seemed to be, however, only a slight cut. Rogers, pointing to his throat, said, "Look here, what she has done. She has cut her throat and mine." The two were then conveyed to the hospital, the man in a cab and the woman on a stretcher. Cross-examined, the witness stated that Rogers was a strange man, and was given to childish ways. Apparently, however, he was fond of his wife. It was a peculiarity of his that he would never go to his work after breakfast unless she said to him, "Good morning." He also, the witness added, appeared to be fond of his children. The house-surgeon gave evidence as to the condition in which he found the prisoner and his wife. The former had a superficial wound on the left side of his neck. After remaining under treatment for a week—during which time nothing strange in his manner was observed—he was discharged cured. The surgeon described the injuries of the woman, and went on to say that, a few days after she sustained them, she died. When *in articulo mortis* she made a dying deposition, in which she stated the circumstances under which she was attacked. She had been in bed, half asleep and half awake, with her baby on her arm. She half raised herself in order to move the child, and it was then that her husband cut her throat. There had been no quarrel between them. Her husband was sober at the time; but during the whole of the day he had been very strange in his manner. He had left his shop, and could not get any employment, and she imagined that this had preyed upon his mind.

Mr. Gibson, the well-known surgeon at Newgate, was called by the counsel for the prosecution, who anticipated, I presume, the defence I was about to set up. He stated that the prisoner had been brought to the gaol on the 2nd of July, and had remained there ever since. He remarked that the case had been postponed from the July Sessions at my request, in order that he might satisfy himself as to the state of the

prisoner's mind. He had seen Rogers daily, had frequently conversed with him, and had carefully studied his demeanour. There had been nothing in his conduct to justify the conclusion that he was other than a sane man. Mr. Gibson added that he had had considerable experience of insanity, and that he had shaped his conversation with special regard to the end he had in view.

I obtained the Judge's permission to call my witnesses before addressing the jury One of them was Rogers' brother. He stated that the prisoner had been very strange for a long time past, seeming to be haunted with peculiar fancies. Another of the witnesses was a surgeon who had attended the prisoner some two or three months before the sad occurrence. He stated that Rogers, at that time, suffered severely in consequence of excessive drinking, and was, indeed, on the eve of *delirium tremens*. Upon this evidence I addressed the jury, urging that the prisoner was, at the time he committed the terrible deed, not capable of distinguishing between right and wrong; and after a somewhat adverse summing-up from the Judge, Rogers was found "Not Guilty" on the ground of insanity.

Impecunious persons will adopt extraordinary means to obtain money, as the case to which I am about to refer clearly showed. At the Central Criminal Court, I, with Charles Mathews as my junior, prosecuted a man named Tuckfield, who was charged with preferring a false claim against the Metropolitan Railway Company "for that he had been injured in the train where an accident had occurred at Bishop's Road, by which his spine had been permanently damaged, and through which he had since become deformed." Originally his claim against the Company was for one thousand pounds damages, but it had been subsequently amended to one for two thousand pounds. An action for damages had taken place in the Court of Common Pleas, but Tuckfield had lost the day; and it was in consequence of what afterwards came to the knowledge of the Company that I was instructed, through their solicitors, Messrs. Burchill, to prosecute the unsuccessful claimant; Mr. Armstrong, now himself a solicitor, then managing clerk, having charge of the case. Tuckfield was accused of having committed perjury at the trial, by falsely swearing that he was injured in the accident; that he was in good circumstances at the time; that the injuries he received had prevented him from doing any work; and that he had been conveyed into the refreshment-room at

Bishop's Road Station and supplied with brandy. It was alleged on behalf of the Company that Tuckfield was not in the accident at all; that, at the time it occurred, he was a man almost entirely destitute; and that there was no refreshment-room at Bishop's Road Station.

A number of witnesses were called, and the allegations of the Company were fairly well proved. Of course, there was no absolutely positive evidence that Tuckfield had not been in the accident, but witnesses were called who proved incontestably that, a short time before it took place, he had sustained a bad fall, and that the hump on his back, and the injuries to his spine, were results of that fall. The case was rendered memorable by the galaxy of medical talent that was called. I examined Mr. Christopher Heath, Mr. Barnard Holt, and Mr. Savory; while Dr. Edgcome and Mr. Howard Marsh were called on behalf of the prisoner. The trial occupied two days, and resulted in a verdict of "Guilty." Tuckfield was sentenced to twelve months' hard labour.

CHAPTER XXIX.

HORRESCO REFERENS.

Appearing as counsel for one's friends—Hawkins' indignant client—The learned counsel followed wherever he goes—The persecution becomes unendurable—My advice is asked—We resolve to bide our time—The threat: "I'll have your life"—We apply for a summons—The persecution comes to an end—Lord Marcus Beresford charged with assault—I appear for the defence—An embarrassing position—How I got rid of one of the Justices—Telegrams from the course—He did not ride the winner.

An advocate is always interested in the client he represents. I do not, indeed, believe that I was ever in a case, be it never so trivial, in which I was not anxious about the result. In my opinion, however, the most trying time for an advocate is when he appears as counsel for a friend. I have been in this unpleasant situation on several occasions.

I was once counsel for Mr. Justice Hawkins, when he was at the Bar and plain Mr. Hawkins, Q.C. He was not only one of the greatest and most astute advocates of his time in ordinary civil cases, but he had the largest practice in compensation claims.

The once celebrated and now defunct Metropolitan Board

of Works had taken over certain premises situated close to the site of the London Pavilion, about which so much has been heard. The parties could not agree as to the cost at which the premises should be acquired, and the case was accordingly brought into Court, Mr. Hawkins being retained as the leading counsel for the owner of the property. The latter was dissatisfied with the result of the trial, as the sum awarded to him fell far short of that to which he felt himself entitled; and he straightway came to the conclusion which so many litigants have come to, namely, that his case had not been properly attended to by his counsel. It so happened that, at the time the case came on, Mr. Hawkins had been more in demand than most leaders of the Bar, and he had, in fact, been called away during the progress of the trial. As he had another silk gown and juniors to support him, however, it may be presumed that the accusation of neglect was not properly founded. Mr. Hawkins had, as a matter of fact, opened the case, been present when the witnesses were called in support of the claim, and had cross-examined those upon the other side. At the time he was called away, all that remained for the second in command to do was to address the jury.

When the award was given, Mr. Hawkins' client was simply furious. He refused to be comforted, or to listen to reason. A very excitable man, he bestowed epithets the reverse of complimentary upon his counsel, and very soon went almost, if not entirely, off his head.

From the day of the trial, or rather, from the moment he recovered from a short illness, the unsuccessful litigant haunted Hawkins day and night. He became his shadow, his *alter ego*; wherever the learned counsel went, there he saw the form of his quondam client. Hawkins at that time lived in Cleveland Row, which thoroughfare his bedroom overlooked; and when he got up in the morning, and glanced out of window, he at once caught sight of the familiar figure. The man followed him to his work, occupied a seat in whatever Court he was engaged in, and dogged his footsteps home in the evening. If he walked abroad, the man walked abroad behind him; if he took a cab, the man followed in his wake in another cab, and instead of one vehicle stopping at the house in Cleveland Row, two stopped. If, on putting his latchkey in the door, Hawkins turned his head, there, sure enough, he saw the attendant spirit on the kerbstone.

This persecution continued for months, and, apparently, the late owner of property in Piccadilly Circus did not know what

fatigue was. At length the learned counsel's health and nervous system began to suffer, and his friend and colleague on the Home Circuit, the Hon. George Denman (now Mr. Justice), had a conversation with me as to what was best to be done under the circumstances. I pointed out that no remedy could be sought at present, as nothing had been done that was illegal, and I advised that the matter should be placed in the hands of some criminal solicitors—Messrs. Lewis and Lewis for preference—and that we should wait until the mysterious individual showed some signs of breaking the peace. "We shan't have to wait long, depend upon it," said I; and my words came true.

About a fortnight after we held our consultation, as Mr. Hawkins was wending his way home one evening, and just as he was reaching the bottom of St. James's Street, he turned round to smile and wave his hand to an acquaintance passing in a cab. This was too much for his tormentor, who, as usual, was following behind. Hurrying forward, he exclaimed: "You dare laugh at me, you scoundrel, whom you've ruined! I'll have your life! I'll have your life!" saying which, he turned and vanished.

This was enough. He had committed a criminal offence in uttering the threat. The next day Messrs. Lewis and Lewis were informed of what had taken place, and I was instructed to apply for a summons against the man, at the Westminster Police Court. This I did, and my application was successful. The hearing was fixed for a day and an hour in the following week that suited the convenience of Mr. Hawkins.

The case duly came on, I appearing for the prosecutor, and the accused being defended by a solicitor. I was no novice at my profession, but, strangely enough, I never before felt so nervous in examining a witness as I did while putting a few necessary questions to my client. Another singular circumstance was that he, who ought to have been a scientific witness, was about the worst I ever had on my hands. Instead of giving simple answers to the questions, he did what counsel and Judges always scold witnesses for doing—he made statements. However, in the end, the magistrate ordered the accused to find two sureties in £200 each, and himself in £400, to keep the peace towards the prosecutor and all Her Majesty's liege subjects. He was some few days in finding the required sureties; and whether or no the short term of imprisonment he had consequently to endure had a salutary effect upon his temperament, I cannot say, but this much is certain—my learned friend and client never saw or heard of him again.

On another occasion I was counsel for my good and valued friend, Lord Marcus Beresford; and, before I relate the experience, I may state, as a coincidence, that he and the subject of the story I have just told, were two of those who were unremitting in their kindly attentions to me in the misfortune that befell me in 1886.

Lord Marcus, when a young man, had been financially embroiled with a solicitor living in a street adjoining Piccadilly. Walking from the Park one day, with an intimate friend—I think it was Lord Charles Kerr—it suddenly struck him that he would pay a visit to the attorney, and give him a piece of his mind. Unfortunately, he gave him something more. He was duly ushered upstairs into the solicitor's private room; some conversation took place; words soon began to run very high; and, in the end, violence was resorted to, the solicitor receiving a good deal more than he cared for.

A summons was applied for against Lord Marcus, and it was heard at Marlborough Street Police Court, I appearing as counsel for the accused. He was committed to take his trial at the Middlesex Sessions. When the case came on, I again appeared for my friend. Before the proceedings commenced it was suggested by the counsel on the other side that matters might be adjusted if a suitable apology were made. The terms of an apology were submitted to us, but they were of so humiliating a character that it was impossible for us to accept them. The situation was not a pleasant one. Knowing, as I did, how the Court would probably be constituted, I recognised that it was impossible for us to get a verdict. The charges were "assault occasioning actual bodily harm, and common assault." Now, all that the most sanguine advocate could hope for was that the charge would be reduced only to the latter count; and then came the question, what would be the sentence?

The defendant said that he placed himself entirely in my hands. He, however, made me promise that my action on his behalf should be the same as though I, myself, were personally concerned. The trial commenced, a weight of responsibility being on my shoulders that I hope I never again shall have to bear.

A number of magistrates sat on the Bench, the chairman being the Assistant-Judge, Mr. (now Sir) Peter Edlin. I may here mention that, though the Assistant-Judge has actually to try the case, sum up, etc., he is only the legal assessor to the Court. In questions of punishment, as in appeals to quarter sessions, each magistrate has a vote.

At the time of the trial, the Liverpool Races were on, and

my client was running a horse in almost every event. On the following day the "Grand National" was to take place, and in that race Lord Marcus was, himself, to ride one of his horses, "Chimney Sweep," which was either first or second favourite.

His lordship took his place in the dock with the cheerful air and the winning smile peculiar to him, and when, in a frank, hearty tone of voice, he pleaded "Not Guilty," he was, to all appearances, certainly a far happier man than his poor counsel.

As the case proceeded, the usher handed to me a number of telegrams, which I, being too busy to open, put on one side. My seat was very close to the dock, and as I was proceeding with my task, my friend and client plucked at my gown, and whispered: "If you haven't got time to open them, give them to me. They are from the course. I told Jones, my trainer, to wire to you, as I did not know whether, if he wired to me, I should be allowed to have the messages." At that moment I was cross-examining the prosecutor, but I managed in between the questions, and while documents were being produced, to find time to open the telegrams. The first one I opened stated that "Woodcock" was first, some other horse second, and another third. I whispered this intelligence to the occupant of the dock, who replied: "'Woodcock'! That's all right—that's mine." And the same proceeding was several times repeated during the trial. Sometimes my client was successful, and sometimes he was not.

At that time, Mr. Padwick, who will be well known by reputation to most of my readers, was a magistrate for the County of Middlesex; and, considering it was he who had found the money for the prosecutor to lend (it was an instance of the jackal and the lion), he certainly did not show very good taste in coming to occupy a seat on the Bench while this case was being heard. I confess that his presence angered me pretty considerably. When I was questioning the prosecutor, in cross-examination, as to his financial transactions — the enormous percentage he had received, etc.—he looked up to where Padwick was sitting on the Bench. Not being able to resist the temptation, I slipped in the observation: "You need not look up there, sir; I am quite sure there is no one sitting there who would countenance such proceedings as you have admitted being a party to;" and, within a minute or two, Padwick left the Court.

Of course it was impossible for me to justify a breach of peace. I laboured tremendously hard; but the Judge, in his summing-up, very properly directed the jury that there could be, legally, no answer to the charge of assault. The jury, I

am sure, would have returned a favourable verdict if they had been able, but the Judge would not let them, and, evidently much against the grain, they ultimately found my client guilty of common assault, adding, however, the strongest possible recommendation to mercy.

The justices retired to their room with the Judge, to consider the sentence. They were absent for about half an hour, and this was about the worst half-hour I ever spent in my life. I certainly could not go to prison for my friend, and I much more certainly could not ride "Chimney Sweep" for him on the morrow; therefore I felt inconsolable. His lordship himself never lost his pluck—no Beresford ever did—or his high spirits. All that he said to me was: "I shall never forget, my dear fellow, what you have done for me; but I am afraid I shall not ride the winner to-morrow;" and I am bound to say that my countenance was the reverse of reassuring.

At last the justices reassembled. There had evidently been a tremendous difference of opinion among them. As they were taking their seats on the Bench, I caught the eye of one of them who was an intimate friend of mine, an excellent magistrate, and one of the kindliest of men, but whose name I will not mention. I knew at once that all was well. The Judge, after reading the defendant a long lecture and fining him £100, said that he, himself, had been in favour of sending him to prison, but that, by a very slender majority, the Bench had decided upon a milder sentence.

Lord Marcus Beresford travelled down to Liverpool that night. He was right in his prediction that he would not ride the winner on the following day, for "Chimney Sweep" was beaten by "Austerlitz," the property of Mr. Hobson, owners up.

CHAPTER XXX.

LAUDATUR AB HIS CULPATUR AB ILLIS.

Mr. Gladstone's manifesto—The Straits of Malacca—I resolve to hear Mr. Gladstone and Mr. Disraeli speak—A political meeting at Blackheath in the pouring rain—I am recognised by the roughs—They make a passage for me through the crowd—The Premier's refreshment—A magnificent oration—Mr. Disraeli dines at the farmers' ordinary—His deaf and stupid neighbour—"'E be roight, 'e be allus roight"—The speech at the Corn Exchange.

DURING my career I never meddled much in politics, and in point of fact never went within the portals of the House of

Commons. On one occasion, however, I gave myself the treat of listening to two important political speeches, under circumstances that I am about to describe.

In January, 1874, Mr. Gladstone issued a manifesto stating that, Her Majesty's Government having been defeated on the Irish Education question, they had placed their resignations in the hands of the Sovereign. Mr. Disraeli—continued the manifesto—had stated his inability to govern in the existing Parliament, and had declined to fill the void; therefore a dissolution was about to take place. A counter-manifesto then appeared from Mr. Disraeli, who referred in the document to the question of the Straits of Malacca. This was certainly not a very interesting question on which to go to the country. As I write I recall to mind this couplet that was written during the electoral contest:

> If you give the poor man his beer and his 'bacca,
> He won't care a d—— for the Straits of Malacca.

In his manifesto, Mr Disraeli said: "By an act of folly or of ignorance rarely equalled, the present Ministers relinquished a Treaty which secured us the freedom of the Straits of Malacca for our trade with China and Japan, and they, at the same time, by entering, in the West Coast of Africa, into those 'equivocal niggling engagements' which the Prime Minister now deprecates, involved us in the Ashantee War. The honour of the country now requires that we should prosecute that war with the vigour necessary to ensure success, but, when that honour is vindicated, it will be the duty of Parliament to inquire by what means we were led into a costly and destructive contest which neither Parliament nor the country has ever sanctioned, and of the necessity or justice of which, in its origin, they have not been made aware."

I had read what I may term the declaration in the action, namely, the charge uttered by Mr. Disraeli; and I now learnt that Mr. Gladstone was about to plead, that is, to give his answer to the charge made against him. It had been arranged, indeed, that he was to address his Greenwich constituents, at Blackheath, on the following Wednesday. I was in very heavy business at the time, but, on the Tuesday evening, I told my clerk that I would take no briefs for the morrow, as I had a private engagement. Having heard, too, that Mr. Disraeli was to address the electors of Buckinghamshire, at Aylesbury, on the Saturday, I also informed my clerk that I could not take any business for that day either. I resolved, indeed, to go

and hear these two great men speak, an experience I had not previously enjoyed.

On Wednesday afternoon, I took the train from Charing Cross, and proceeded to Blackheath. What an afternoon it was! Rain fell incessantly, and the weather was cold and raw. I suppose there could not have been a worse afternoon for an open air demonstration. Well wrapped up in a mackintosh, and with a pot hat on, I resolved to defy the elements. I could not forego the pleasure of hearing the great orator, for whom, though I entirely disagreed with his opinions, I had the greatest admiration, on account of his powers of endurance, his pluck, his energy, and his unrivalled genius.

There was an enormous concourse of people on Blackheath. I was at once recognised by a number of persons; and indeed I am afraid that there are few among the rougher order with whom my appearance is not familiar. Nudges passed round, and, in a little while, a gangway was cleared for me through the crowd. I walked forward, and, in a little while, found myself almost touching the wheels of the great waggon from which Mr. Gladstone was to deliver his oration. Two minutes later, a carriage drove up containing the Premier and his wife. The grand old statesman was drenched with rain, but his ardour was clearly in no wise damped A second gangway having been cleared through the crowd, the distinguished visitors made their way to the vehicle, which they ascended by means of a rough flight of steps.

I do not propose to describe the scene. Mr. Gladstone was then in the zenith of his popularity, and a tremendous ovation was accorded him. Shortly after he had taken his seat in the vehicle, he put his hand in his great-coat pocket and produced an article that closely resembled those wooden pomade pots that are so often seen upon the dressing-table. Having unscrewed the top he took out from the wooden case a glass vessel containing a yellow liquid, in appearance not unlike egg and sherry. This he proceeded to drink, and, as he did so, I overheard some amusing remarks pass between two rough-looking customers standing by my side. One of them said, "What is that, Bill? What's he taking there?" "Don't you know?" was the reply; "why, it's some of the butter he intends to spit out presently."

An extraordinary effect was produced when Mr. Gladstone began to speak. That great crowd of many thousands became, on the instant, profoundly silent. You actually might have heard the proverbial pin drop.

I had come to Blackheath strongly prejudiced against the speaker's opinions. I was under the impression that I should disagree with everything that Mr. Gladstone said. What judges are we of ourselves! The reverse of what I had expected took place. I had heard all the finest orators of the day in my profession, and I had heard many great speakers hold forth from the hustings; but never, in the whole course of my life, had I listened to a speech that carried me away so completely as the one Mr. Gladstone now delivered. I had been very anxious to hear what he would say about the Straits of Malacca, and the arguments he employed on that subject made a deeper impression upon me than anything else in his oration. He said:

"Mr. Disraeli has himself selected the scene of action with respect to foreign policy. He has gone to a very remote part of the globe; one, indeed, that is almost as far off as the kingdom of Brobdingnag. He carries us to the Straits of Malacca. He says he is astonished at our ignorance and our folly in giving up our rights in the Straits of Malacca, by doing which we have compromised the safety of our commerce with China and Japan. Well, gentlemen, I must detain you a few minutes upon this point, although the Straits of Malacca do not sound like a very promising subject. I am mistaken, however, if you do not find that it is not wholly devoid of interest. In the first place, I must observe that the transaction which Mr. Disraeli blames on our part was a transaction of the year 1871; and he has sat in the House of Commons during the Sessions of 1872 and 1873, and has entirely forgotten his duty to the Straits of Malacca! And what has happened now to rouse him from his insensibility? An article has been published in *Fraser's Magazine* bringing all manner of charges against the Government, and greatly enlightening the mind of Mr. Disraeli. That article I looked at to-day. I find it is written by a gentleman of the name of Bowles; and I am greatly mistaken if Mr. Disraeli does not find on this occasion that those who play at bowls must expect to meet with rubbers. Let me give you a short statement of the case. Mr. Disraeli says that we had a treaty securing the freedom of the Straits of Malacca for our trade to China and Japan. We had no such treaty. We had a treaty with Holland which gave to England the exclusive title to frame treaties, and make arrangements with the Island of Sumatra (which forms the other side of the Islands of Malaysia), and with all the neighbouring islands; but that gave no security whatever for the

free navigation of the Straits of Malacca. That treaty was dated in 1834, and I am not now going to discuss it; but I am sure you will agree with me that if there is danger of the freedom of navigation being interrupted in the Straits of Malacca, it is likely that that interruption will occur where the Strait is narrowest. The Strait is narrowest at that part of Sumatra which is occupied by the kingdom of Siak. Well, there was a time of danger, perhaps, but when was the treaty made? It was made in 1858, when Mr. Disraeli was in office. . . . It is a most extraordinary state of things when the head of a party is so destitute of points to make against the Government,—though he has, I must say, as ingenious a brain out of which to spin them as any man who ever occupied that or any other position,—that he has to travel all the way to the Straits of Malacca to find one, and that he manufactures his charge out of an act which is not a bad act, but a good act, and an act which was not done by the Government, but done by the colleague of Mr. Disraeli and the Government to which he belonged. . . . And so I will leave the leader of the Opposition for the present floundering and foundering in the Straits of Malacca."

The peroration was extraordinarily good, and I confess that the magician's power had succeeded, and that, as I walked away from Blackheath, my political opinions, at all events with regard to the Straits of Malacca, had undergone a complete change. It was the genuine and earnest character of the speech that had struck me particularly. It was real; and in my small way at the Bar I have always found that to succeed in speaking one must feel, or appear to feel, what one utters. No doubt I shall always be antagonistic to the present programme of Mr. Gladstone; but I shall never forget the Blackheath speech, and shall never regard the deliverer of it with anything but genuine admiration and respect, as the greatest living genius of the age.

On the following Saturday I proceeded to Aylesbury for the purpose of hearing Mr. Disraeli. I had written to my friend, Mr. Montagu Corry (Lord Rowton)—who had been a junior with me on the Oxford Circuit—to arrange that a good seat should be secured for me. On arriving at the county town of Buckinghamshire I found that Mr. Disraeli, before delivering his speech, intended, as was his custom on such occasions, to dine at the farmers' ordinary. My good friend had secured an excellent place for me at table, almost opposite to that occupied by the leader of the Opposition. The

gathering was a curious one. All the farmers of the district were present, and the food of the ordinary had been arranged evidently to meet their tastes. Mr. Disraeli occupied the chair, and on either side of him sat an elderly farmer. One of them was very deaf, but the statesman, by shouting in the old man's ear, made himself, at any rate, partially heard. It was astonishing to notice how fluently Mr. Disraeli discoursed to his two companions about geese, cows, agricultural implements, and the like. Needless to say that both the farmers listened with rapt attention, and were, throughout the meal, in the seventh heaven of delight. The conversation, I must confess, fairly astounded me. Where on earth, I asked myself, could Mr. Disraeli have picked up all his agricultural knowledge? He must, I concluded, have crammed for the part; and I really am inclined still to believe that my conclusion was correct. The dinner passed off in the usual way, and with the customary speeches. The more intelligent of the two farmers proposed the health of Mr. Disraeli, who made a very telling speech in response. All the right things were said, and not a word was uttered above the heads of the company. While he was speaking I asked myself: Can this be the author of "Lothair"?

The dinner over, an hour's interval took place before Mr. Disraeli delivered his speech in the Corn Exchange. I utilised the time by strolling down into the market-place, and, as luck would have it, outside the principal public-house, I came across the deaf farmer who had sat at table next to the leader of the Opposition. I had a tolerably good voice in those days, and could shout as well as most men. Getting therefore into conversation with this individual, I quickly learnt that not half of the great man's remarks had been understood by him. He kept repeating: "'E be roight, 'e be allus roight. Oi and moine 'as allers voted for 'im ever since 'e came into these parts, and we allus shall do so as long as 'e is here, to our dying day." No doubt indeed, Mr. Disraeli was a great favourite in Bucks.

The hour having elapsed, I proceeded to the Corn Exchange, and was accommodated with an excellent seat on the platform, not twenty yards from the orator. I had anticipated a real treat, and was not disappointed. It was a magnificent oration. Never before had I seen any one so quick at repartee. One or two persons endeavoured to disturb the meeting by interposing exclamations. He was down on them, quick as lightning, and insisted upon knowing

what they had to observe. No sooner had they finished their little say than he fired off a splendid answer, and they were crushed. In fact, in the art of oratory Mr. Disraeli was simply perfect. He gave his version about the Straits of Malacca (but seemed to avoid all argument), and shot straight off into matters more congenial to the tastes of his audience.

Having heard the speech, I asked myself: Is all this genius, or is it consummate tact? and, without a moment's further thought, I came to the conclusion that it was an exquisite combination of both. Mr. Disraeli had enormous natural ability, a thorough knowledge of men, and marvellous *savoir-faire*: and this was the combination which had helped him to wrestle successfully with the great difficulties that impeded his progress at the commencement of his public career; which had made him dominant over a set of politicians who at first would have him not; and which, eventually, had constituted him the brilliant leader of that great Conservative party to which, as a very humble individual, I have always had the honour to belong.

CHAPTER XXXI.

SPLENDIDE MENDAX.

A necessary rule—The murder in the Austrian Tyrol—Count Henry de Tourville—The class by whom he was feted—A crowd of ladies in Court—De Tourville's wealthy wife—How he accounted for her disappearance—A circumstantial narrative—A different account given in a letter—Further inconsistencies—Searching for the body—Explaining away the blood-stains—The swollen fingers—Theory of the prosecution—De Tourville committed to the House of Detention—He is subsequently conveyed to the Austrian Tyrol, and found guilty—Specimens of the charges brought against him.

I ALWAYS made it a rule never to see anybody on business at my private house, and a very necessary rule it was; for had I allowed my clients to intrude upon my privacy, I should never have had a quiet moment. There is, however, no rule without an exception.

In the November of 1876—when we were living at 44, Upper Brook Street—after attending a dinner-party one night with my wife, I returned home at about eleven o'clock. A servant stated that a gentleman was waiting for me upstairs, where he had been since nine o'clock. In obedience to orders the servant had told him that, if he came on a matter

of business, he could not see me, but must go to my chambers on the following morning. He, however, had refused to leave the house, saying: "Mr. Williams will perfectly well understand why I have waited."

I proceeded to my study, and there found a gentleman of the name of Turner, a member of a firm of solicitors of Lincoln's Inn. After profusely apologising for his intrusion, he declared that the matter on which he had come was one of life and death. He explained that a client of his, Count Henry de Tourville, had been taken into custody that evening upon an extradition warrant, and charged with having murdered his wife in the Austrian Tyrol.

De Tourville, it appeared, was a man of considerable fortune, and was well known in London society. He had resided in London at different periods, and owned a house at Craven Hill, Hyde Park. The excellent dinners he had given there had made him famous, and he had been taken up by the Jamrachs of this life, who are so fond of introducing to their friends those whom they are pleased to term "distinguished foreigners." He had been made much of by those persons who, by hook or by crook, manage to screw their way into the receptions at the Foreign Office and elsewhere, who are very uncomfortable while the functions last, and whose wives think that they are thenceforth privileged to talk of that "sweet Mrs. Gladstone" or that "dear Lady Salisbury."

But I am digressing. De Tourville, on the morning following the visit of Mr. Turner, duly appeared before Mr. Vaughan at Bow Street. The accused was a man who might be any age between forty and sixty, and his hair, moustache, and other hirsute appendages were of a glossy blackness that was suggestive of meretricious applications. He was somewhat showily dressed, and had on an open-worked shirt, decorated with handsome studs. Altogether, De Tourville was certainly not a very prepossessing-looking person.

He was charged with murdering his wife Madeline (formerly Mrs. Miller), by pushing her over a precipice in the Stelvio Pass of the Austrian Tyrol, in the previous July. There were a good many ladies amongst the audience in Court. They are fond of curiosities, and the Count had been a very great favourite among them.

It appeared from the evidence that the marriage between the prisoner and Mrs. Miller—who, by-the-bye, possessed a considerable fortune—had taken place in London on November 11th, 1875. The lady had been living in Southwick Crescent,

Hyde Park, and De Tourville had occupied a small mansion in the neighbourhood. After the ceremony, they travelled abroad, having as their sole companion a lady's-maid. Among other places they visited was Spondinig, and they put up at the hotel there.

On Sunday, July 16th, the husband and wife set off alone for Ferdinandhöhe. At eleven o'clock at night De Tourville returned alone, and stated that the lady had fallen down the side of a mountain, that she had injured her forehead, and that he had left her leaning against a tree, bleeding from the right temple. He said that she was conscious, and that he had explained to her that he was going off to fetch assistance. With that end in view, he said, he set out, but lost his way, and eventually returned to the spot from which he had started. He now found his wife dead, though she was not lying where he had left her. Apparently, he added, she had risen with the intention of walking away, but had fallen down a second time, and, being very stout and full-blooded, had become giddy and dazed, in consequence of which she had fallen again and again down the slope.

The landlord of the hotel deposed that, in the morning, the prisoner had been very anxious to procure a carriage that would only hold two, and had explained that he and his wife were not going to take the lady's-maid with them. Before starting, he had arranged that supper should be ready for them both at eight o'clock.

It was proved that, before the prisoner left the Austrian Tyrol for London, he wrote a letter to a friend of the deceased, one of the trustees of her marriage settlement. I may here mention that her property amounted to a sum of £65,800. The letter commenced with an expression of the great grief that the prisoner experienced at having to announce the death of his "dear wife," and went on to explain that, while taking carriage-exercise in the Pass, enjoying the splendid mountain scenery, she became extremely nervous and frightened, especially when the horse turned a sharp corner of the road, when she expressed a wish to proceed on foot. While walking along—the letter continued—his poor wife went too near a ravine, fell over, and lost her life. The writer added that he had been compelled to visit a sick relation in Normandy, or would have written sooner; that a priest had refused to have the body buried in a cemetery, as the deceased was a Protestant; and that his wife's corpse had therefore been placed temporarily in a garden. An invitation was conveyed to the trustees

to visit the scene of death, and the prisoner went on to say that the medical man who made a *post mortem* examination had stated, at the inquest, that a tumour had formed in the deceased's stomach, that she would have been a great sufferer, and that she could not have lived more than two or three years.

The trustee to whom this letter was written, Mr. Wilding, deposed that, at De Tourville's request, he had called upon him at Craven Hill, on the 12th of September, and that the accused then gave an account of the calamity that differed materially from the one given in the letter. At this interview De Tourville said that the death of his wife was very sad indeed, and worse than he had supposed, as it was a case of suicide. He went on to explain that she threw herself off the road and fell some distance; that he went down after her and found her scarcely injured; that he tried to persuade her to accompany him back to the road, but that, after proceeding a short distance, she said she could walk no further, and sat down, promising to wait till he returned with assistance; that before he had proceeded many paces he looked back, and saw that she had again thrown herself down the slope; that he went back to her, and, after reproving her for her wickedness, wiped her head with his handkerchief, and told her that he would go for assistance, as she would otherwise bleed to death; that he then proceeded to Trefoj, and returned with assistance; that he and his companions, after a long search, discovered her dead body much lower down the slope, close to a rivulet.

Mr. Wilding stated that, after all the other legacies had been paid, there would be a sum coming to De Tourville, by his wife's death, of about £38,000.

It transpired that, before leaving the Tyrol, De Tourville had been interrogated before the district-judge, and discharged. Owing, however, to the discovery of fresh evidence—a copy of which had been forwarded to this country—his extradition had been demanded.

It was proved, *inter alia*, that, when the prisoner had given the alarm, and returned with assistance from Trefoj, he remained in the carriage until every article of his wife's dress and jewellery was brought to him. First of all her bonnet was discovered. It was picked up some twelve feet below the roadway, covered with blood. The searchers next came upon her handkerchief, one of her cuffs, and a blue silk collar, the last-named being also stained with gore. A trail of blood was followed down into the valley, where, in an open and level place, the body was discovered. The ground there was covered with grass and

raspberry plants. It was noticed that, across the turf, there was a track eighteen inches in width. This could not have been caused by the deceased having rolled down from above. It indicated, rather, that she had been dragged down. Close to this track was the stick of a sunshade, and it was proved that such an article had been in the carriage when the pair left the hotel. These and other circumstances seemed to point conclusively to a struggle having taken place, and to a great degree of violence having been used towards the unhappy lady. Among the other things found near the spot where the body was lying, was an ear-pendant.

It was proved that, upon De Tourville's return to the hotel, it was seen that there were marks of blood upon his fingers, and that his hand was so swollen that he could not wear his glove. He had accounted for the circumstances by saying his hand had come in contact with the stones. When the body of Madame De Tourville was discovered, it was found that her hands were both swollen and bruised.

It would seem that, after the unfortunate lady had met her death, De Tourville had deposited a number of articles about the spot, to lend colour to the statement he proposed to make, that his wife had a fall, and then committed suicide.

Upon the evidence before him, Mr. Vaughan committed the prisoner to the House of Detention, there to await the order of Her Majesty's Secretary of State for his surrender to the Austrian Government within fifteen days.

The accused was, in due course, conveyed to the Austrian Tyrol, and handed over to the authorities there. Preliminary investigations took place, and he was eventually put upon his trial. The proceedings, which were lengthy, resulted in his being found guilty, and condemned to death. This sentence was subsequently commuted to one of penal servitude, which meant, in that country, working as a slave in the salt mines.

In the *acte d'accusation* upon which he was tried, he was charged with a number of additional crimes. He was accused of poisoning his first wife by putting powdered glass in her food and drink. He was further accused of shooting his mother-in-law. She had died from a wound inflicted by a pistol which belonged to the prisoner, and which he alleged had gone off accidentally, while she was examining it. Another charge brought against him was that of setting fire to his house with a view to kill his only child, through whose death a large sum of money would come to him. Several other accusations of a similar character were brought against him.

CHAPTER XXXII.

AMICUM PERDERE EST DAMNORUM MAXIMUM.

A soldier charged with murdering a comrade—His officers instruct me to defend him—Barrack regulations for Christmas Day—A quarrel in a public-house—What was done with the drunken soldiers: a disgraceful arrangement—The guard-room and the peep-hole—Cries of "Murder!"—The prisoner's blood-stained boots—My defence—Comments from the Bench—Verdict and sentence—A pleasant friendship—Sir John Holker—His shooting and trout-fishing—How Jack Dale was nearly drowned—The whimsical idea that got into Sir John's head.

THERE was a case tried before Mr. Justice Hawkins in January, 1877, of which, by reason of the sympathy I felt for the accused, whom I defended, I preserve a very lively recollection. The man's name was Michael McConnan, and he was a private in the Grenadier Guards. He was charged with the wilful murder of a comrade-in-arms named Noah Johnson.

Mr. Poland and Mr. Beasley prosecuted on behalf of the Treasury, while I, at the request of the Colonel and other officers of the regiment, defended the prisoner.

McConnan had been in the army some eighteen months, and, during that period, had discharged his duties efficiently. Both he and the unfortunate man who met his death had however, been addicted to drink. On Christmas Day, after the dinner had been served, any man who chose to do so, and was not prevented by his duties, could absent himself from barracks until half-past ten at night. The prisoner had quitted barracks apparently sober, at about five o'clock in the afternoon. It would seem that he went from one public-house to another until he became hopelessly intoxicated. At one of these public-houses he met Noah Johnson, and a dispute took place between them. The evidence was very meagre on this head, but it went to show that McConnan knocked a stick out of Johnson's hand. It was clear, however, that the quarrel, if quarrel it could be called, was not a very serious one.

Noah Johnson, instead of returning to his quarters at half-past ten, came in an hour later, in a state of intoxication. He was at once ordered to the guard-room. This room was described by the witnesses—members of the corps—as a large cell, along one side of which was stretched a sort of settle, of sufficient dimensions to allow of twenty men sleeping upon it comfortably. Johnson was locked up in this place with three other drunken men. At a later hour McConnan arrived at the barracks, and was pushed into the cell along with the others.

It appeared that, in the outer guard-room, there was a window, or peep-hole, opening into the cell, and it was the custom of the corporal of the guard to look through this aperture, from time to time, to see how the prisoners were getting on. On the day in question, an officer of the guard looked through the peep-hole shortly after midnight. McConnan was then sitting on the edge of the settle, and the other prisoners were lying about, apparently asleep. A quarter of an hour later, the officer was aroused by cries of "Murder!" What had taken place in the interval? It was impossible to say, with any certainty.

One of the least intoxicated of the prisoners deposed that he had been lying asleep, when he felt a man pulling at his legs. He looked up, and found that McConnan was trying to pull him off the bench. He understood McConnan to say, "If you wish to take Johnson's part, you will be served in the same way as him." Alarmed at this, he cried, "Murder!" Whereupon some of the guard rushed in, and found that Johnson had been kicked to death. The prisoner's boots were covered with blood. The remainder of the prisoners seemed dazed, and only half awake.

The sole fact that let any light upon what had taken place, was that Johnson's coat was off; and it was consequently a reasonable presumption that he had taken it off to fight McConnan, and that a struggle had then taken place which had had a tragic termination. It was on these lines that I based my defence. I argued that the verdict ought to be one of manslaughter. The prisoner had received an excellent character from the officers of his regiment as a quiet, peaceable man when sober. The Judge, however, told the jury that homicide is always presumed to be murder, and that the onus of reducing it to manslaughter rests entirely with the accused. He commented very strongly upon the quarrel alleged to have taken place in the public-house previous to the men returning to barracks, as tending to show malice on the part of McConnan towards the deceased.

In my address to the jury, I argued with some warmth as to the danger of thrusting men who were in an advanced state of intoxication into one apartment, and leaving them there like so many wild beasts. I declared that no human being could undertake to say what really happened in that narrow cell during those terrible ten or twelve minutes. "It is," I said, "a rude military discipline that, when the men are brought in drunk, they are locked up together like hounds in a kennel.

Two of them get fighting—one is killed—none of the others remember what happened. Is the survivor of the fray to suffer death upon the gallows, and is malice to be presumed until it is disproved? In my judgment, such a conclusion is repugnant to all ordinary principles of justice."

The Judge warned the jury not to be influenced by the observations I had made. If, he said, a wrong state of things existed, no doubt when proper representations were made in proper quarters, a reform would be introduced. The jury found the prisoner guilty of murder, and he was sentenced to death, being, however, subsequently respited.

It was at about this period that I formed the pleasantest friendship of my life. I refer to the friendship of the then Attorney-General, Sir John Holker, known by all his friends—and their name was legion—as "Jack." He was the kindliest, the cheeriest, and the most lovable of men. After having filled the office of Attorney-General to the Conservative Government, he was raised by Mr. Gladstone to the high office of Lord Justice.

From 1877 until the time of his death, every year, after the grouse-shooting had commenced, I spent a few days with him at his beautiful country place, Colthurst, near Clitheroe, a property which he had bought when sitting Member for Preston, which is situated some fifteen or twenty miles off. It was a lovely place, and attached to it were several miles of fells, over which my host had the right of shooting. There was also a splendid river for trout-fishing within four or five miles of Sir John's residence.

It was his chief delight to entertain his old friends and circuit acquaintances at this pleasant retreat. I really believe, indeed, that this was the greatest pleasure he derived from the distinguished position which, by hard work and enormous natural talent, he had gained.

Generally speaking, his August visitors were Douglas Straight, Mr. Aston, Q.C., Hosack, Barstowe, McConnell, and myself, they being, with the exception of Douglas and myself, circuit acquaintances.

Sir John's high promotion made no difference to him. He was always the same, never taking any pleasure save in the happiness and comfort of his old associates, in which respect he was very unlike many others who have arrived at the greatest height of distinction in their professions, and who seem never to be happy except when they are endeavouring to consort with persons supposed to be in a higher social grade than themselves.

This indicates a state of feeling which, though I have frequently encountered it, has always, I confess, been inexplicable to me. Persons afflicted in that way always remind me of the story that was told of a very wealthy and eminent newspaper proprietor, who being, among other things, an uneducated man, was famous for the absence of his aspirates, and whose ambition it was, by means of his enormous wealth, to gather around him all the titled people that could possibly be scraped together. Having tolerably well succeeded in this purpose, he was asked one day, at a party he was giving, why he did not seem quite happy, whereupon, with a blank expression of face, he replied: "'Ow 'orribly 'ollow!" There was, as I have said, none of this nonsense about my dear old friend Sir John Holker.

On one occasion when I was on a visit at Colthurst, and Jack Dale was among the guests, he and I set out on a fishing excursion one morning with our host. The weather was perfect for trout, and everything seemed to promise favourably. When we were all engrossed in our sport, it happened that Dale and I became separated by a long distance from Sir John.

In the course of time I grew tired and lazy, and therefore waded out of the stream, rod in hand, to smoke a quiet pipe on the bank. As I sat watching my companion, I perceived that he was on the point of casting on the outside of something that looked very much like a whirlpool, and which I afterwards found was called the "Froth Pot." On a sudden the rod left his hand and was swept down-stream, and the next minute Dale himself disappeared. He was very fond of joking, and, never doubting that he was practising some novel form of fun, I burst out laughing where I sat. Several moments elapsed, and he did not reappear. Starting horror-stricken to my feet, I now rushed down to the bank of the stream, to discover, a few yards from where Dale had stood, a commotion in the water. The next minute a hand appeared above the surface Luckily it was able to grasp a bough that overhung the stream. A head then appeared; and eventually Dale, after running a very great risk of being drowned, came safely, but very much exhausted, to land.

Ill news travels apace. We went into a neighbouring inn to get some brandy, and somebody must have carried tidings of the accident to Sir John, who, bent upon his sport, was some two or three miles away. Matters had been greatly exaggerated, and what Holker was told was that one of his two visitors had been drowned. He managed to get a lift in a butcher's cart that happened to be passing near the spot

where he was fishing, and it was not long before he arrived at the inn. I shall never forget the joy depicted on his face when he saw that we were both safe and sound.

On the road homewards he amused me very much by describing his feelings when the fatal news reached him. "I did not know," he said, "which of my friends I had lost. You know, my dear Montagu, such droll ideas get into people's heads under such circumstances. I kept wondering which it could be, and Dale being six feet high, and you such a little chap, I thought it must be you. You know how fond I am of you, but I am bound to say that a selfish thought came over me. I said to myself, 'If it's poor Montagu, I shall only have my wife to break the news to, for he's a widower; but if it's Dale, there is his wife, and she is staying with us. What on earth shall I say to her?' and I am afraid, my dear Montagu, that the court decided against you. But, dear old chap, if anything had happened to either of you, I should never have forgiven myself. I had no right to leave you, who are strangers to the stream."

Poor fellow! I shall never look upon his like again.

CHAPTER XXXIII.

DIVES QUI FIERI VULT ET CITO VULT FIERI.

The Turf Frauds—Description of the accused—*Sport*, a sham newspaper—"Mr. Montgomery" and his large winnings—Madame de Goncourt swallows the bait—The subsequent correspondence with "Mr. Montgomery"—Fictitious cheques—"The Royal Bank of London, Charing Cross"—Madame de Goncourt invests £10,000—She consults her bankers, and the bubble bursts—One of many frauds—The sentences—Mr. Willis's allusions to the "after-dinner decisions of bygone times"—The Judge, the "devil," and the little solicitor: an amusing incident.

On the 13th of April, 1877, a celebrated case, known at the time as the Turf Frauds, came before Baron Huddleston in the New Court at the Old Bailey. The proceedings lasted ten days.

The prisoners were Henry Benson, Frederick Kurr, Charles Bale, Edwin Murray, and William Kurr. In the several indictments they were charged with obtaining by fraud £10,000. They were also charged with forgery.

The prosecution was conducted, on behalf of the Treasury, by the Solicitor-General, Mr. Bowen (then Attorney-General's "devil," and now Lord Justice), and Mr. McConnell. They were instructed, not by the ordinary solicitor to the Treasury,

but by Mr. Michael Abrahams, who had been the private solicitor to the prosecutrix, Madame de Goncourt, and had acted on her behalf when the proceedings were originally instituted. The counsel for the prisoners were Mr. Willis, Q.C., and Mr. Horace Avory for Benson; Serjeant Parry and Mr. Grain for William Kurr; myself for Murray; Mr. Straight for Bale; and Mr. Besley for Frederick Kurr, *alias* Collins.

The frauds that had been perpetrated were, I think, the cleverest that have ever come under my notice, and this being so, it will, perhaps, not be out of place if I briefly describe the appearance of the various prisoners.

Benson, who was unmistakably a Jew, was of a very different stamp from his associates. He was a short, dapper, well-made little man. In the calendar he was described as being twenty-six years of age, but he had the appearance of being somewhat older. It was clear that he was a man of good education. His hands and feet were remarkably small, and he was dressed well, and in perfectly good taste, which is more than can be said of the majority of those who make their appearance in the dock at the Central Criminal Court. Benson had charming manners, and it transpired in the course of the trial that, during his sojourn in the Isle of Wight, and other places, he had moved in the very best society. There could be no doubt whatever that Benson's had been the master-mind in a long series of frauds.

William Kurr, the culprit next in importance, was described as being twenty-three years of age. In appearance he was more like a well-to-do farmer than anything else. I am under the impression that, before he became acquainted with Benson, he had been a publican. His face wore an honest expression; but it does not always do to judge by appearances. I think that both in ability and craft he ran Benson very close.

My client Murray, whose age was stated to be thirty-two, was described as a clerk, and looked that part exactly. He, too, was scrupulously well-dressed, and I could not help feeling that, if he had really been a clerk, and an honest one, his services would have commanded a handsome salary. It was he who had conducted the correspondence, or the principal part of it, and done most of the draftsman's work.

The other two prisoners, Bale and Frederick Kurr, were mere nonentities, having been tools in the hands of their more astute confederates.

It would be impossible for me, in the space at my

command, to give a detailed description of what took place at the trial. I must content myself with a brief outline of the story. Madame de Goncourt was a French widow in opulent circumstances, residing abroad. In the November or December of 1876, she received a copy of a paper called *Sport*—a title well calculated to catch a foreigner's eye. It turned out that this paper was a sham. It was a fictitious journal, or, rather, the pretended number of a journal that had no permanent existence. It represented itself to be the property of a "Mr. Montgomery," who made pretence to an acquaintance with turf and stable secrets that had enabled him to win, not only tens of thousands, but millions of pounds in the English racing world. (With what shallow devices the greedy are caught!) It was represented in the journal that "Mr. Montgomery's" great success in racing matters had so angered the bookmakers, that it was impossible for him to continue to realise his enormous fortune, as he was boycotted. The article in the paper continued: "We have protested, and we shall never cease to protest until we have compelled these vultures" (the bookmakers) "to discontinue such unfair conduct, and until we have succeeded in obtaining justice for the commission agent." The article went on to state that, though fair market odds were refused "Mr. Montgomery," he might yet get them, at a disadvantage of a pound or two, by allowing foreign agents to execute his commissions in their own names. *Sport* then made this impudent assertion: "This cannot be done in England, where the rules of the Jockey Club void a bet made in an assumed name."

This fraudulent number of a fictitious journal was circulated abroad in quarters where the conspirators expected to find a victim, and Madame de Goncourt was among those who received a copy. The lady read the paper and treasured it in her heart. She subsequently received a letter from "Mr. Montgomery" himself. "Your name," he wrote, "has been favourably mentioned to me by the Franco-English Society of Publicity, and I consequently repose in you the most esteemed confidence. What I require of you is very simple indeed. I will send you for each race the amount which I desire to put on the horse which must, in my opinion, win. You will have to forward the money *in your name*, but *on my account*, to the bookmaker, and thus will be able to get the real odds, which, on account of my success and great knowledge, are denied to me. The bookmaker will, on settling day, send you the amount, added to the stake

originally forwarded to him. This you will please remit to me, and, on its receipt, I will forthwith forward to you a commission of five per cent."

Thus was the trap baited, and thus was the lady victimised. Madame de Goncourt became "Mr. Montgomery's" agent, and in that capacity she received a cheque for £200, with instructions to send it to Mr. Jackson, an English bookmaker. This she did, and a few days afterwards she received another cheque, drawn upon the "Royal Bank of London, Charing Cross." Of course there was no such establishment. The cunning rascals produced, not only a sham newspaper, but sham cheques drawn on a sham bank.

The amounts sent to the lady increased day by day. The second draft even was for £1,000. The victim was instructed to forward it to a bookmaker named Francis, as a bet upon a particular horse for the Great Northern Handicap. "Mr. Montgomery" advised the confiding French lady to invest £1,000 on her own account with Francis, whom he described as a "sworn-bookmaker," borrowing the term, I presume, from "sworn-broker." Whether the lady looked upon the former as being bound by the same pains and penalties as the latter I know not, but this much is clear—she forwarded her cheque for £1,000; and, after being assured that the money had been invested in the most favourable manner, she was induced, in the course of a few days, to send to various "sworn-bookmakers" several sums amounting to no less a total than £10,000.

This enormous sum did not satisfy Benson and his accomplices. They were determined to go for the gloves, and, a few days later, came an epistle from "Montgomery," advising Madame de Goncourt to invest as large a sum as £30,000 with a "sworn-bookmaker" named Ellerton. "Never," ran the letter, "will you find a similar opportunity to win an immense fortune. If you have not the whole amount at hand, see what you can stake, and I myself will willingly advance the difference."

Now the lady, not having the money by her, as fortune would have it, determined to seek the assistance of her banker. Bankers, however, even foreign bankers, are shrewd men, and, as a matter of course, no sooner did the lady consult her banker than the bubble burst. He saw at once that she had fallen among thieves, and he promptly caused inquiries to be instituted in London. It only required the delay of a post to discover that no such establishment as the "Royal Bank of London, Charing Cross," was in existence; that the vocation of a "sworn-bookmaker" was unknown in the English metropolis; and that

her cheques, amounting to £10,000, had been duly presented and cashed.

Having been put in possession of the true facts of the case, Madame de Goncourt at once started for London. I believe she originally applied for assistance to the Lord Mayor. Fortune was kinder to her than might have been expected, and she ultimately succeeded in recovering nearly the whole of her money.

The £10,000, however, was but a small proportion of the money that the conspirators had managed to acquire. They had been pursuing a course of fraud for some years with the greatest possible success; and the question that naturally arose in one's mind at the time of the trial was: What had the detectives been about?

The scoundrels had changed Madame de Goncourt's cheques, had taken the proceeds in bank-notes, and had paid those notes into a Scotch bank, taking Scotch notes in exchange. They were under the impression that, as the Scotch notes bore no numbers, it was impossible for them to be traced. When the prisoners were arrested—three in Holland and two in London—most of the notes were found upon them.

As I stated before, it would be impossible for me to describe all that transpired at the trial. It would be equally impossible for me, in the limited space at my disposal, to give particulars of all the other frauds with which the prisoners were associated.

In the course of the proceedings, the term "mug" was frequently used by the conspirators in describing their victims.

It transpired that the malefactors felt their way gradually in the dishonest business in which they had embarked. With the proceeds of their first successful swindle they entered upon another, and a larger venture; and thus, step by step, they moved forward to great enterprises. To them fraud was a profession, and, it must be admitted, in that profession they fought their way to a high position.

The case was very well tried by the presiding Judge. He had only lately been raised to the Bench, and this was, I think, his first *cause célèbre*.

In the end, the jury found Benson, Bale, and the two Kurrs guilty of forgery and conspiracy. Murray, my client, they acquitted of forgery, but they found him guilty upon the general counts for conspiracy.

It was proved, after the verdict had been given, that Benson must have commenced his career of crime very early in life, as he had, in the same Court, been convicted in 1872. Benson was sentenced to fifteen years' penal servitude; William Kurr,

Bale, and Frederick Kurr to ten years' penal servitude; and Murray to eighteen months' imprisonment with hard labour.

During the progress of the trial, Mr. Willis, in defending his client, happened to allude to the "after-dinner decisions" of bygone times; and I cannot help thinking that Baron Huddleston was rather short-memoried in not being able to recall the days when he practised as a skilful advocate at the Central Criminal Court. As if unable to understand what Mr. Willis meant, his lordship observed that, in the olden days the Judges used to dine at noon, and that with them the twenty-four hours were apportioned as follows: Eight hours for work and meals, eight hours for sleep, and eight hours for prayer. Perhaps so; but that was not what Mr. Willis meant by his reference to the "after-dinner decisions." The learned Judge probably understood his meaning pretty nearly as well as we did. He was alluding to the Monday and Wednesday dinners given at the Old Bailey during the Sessions, and described by Theodore Hook in "Gilbert Gurney." Readers of that novel will remember the occasion when the hero is invited by the sheriff to dine at the Sessions-house. The Judge, the sheriffs, and the members of the Bar having, as described in the novel, finished their two bottles apiece, go down into Court, followed by the guests; and then Gilbert sees the convicts brought into the dock, and hears one of the most awful addresses ever made to guilty creatures, delivered by a Judge who, but a few minutes before, had seemed to be of the world most worldly. The sheriff who sits near Gilbert is described as observing to his neighbour, with an expression of *bonhomie*, "As you have heard the sentence, you might like to witness the execution. We hang at eight, and breakfast at nine."

On the third or fourth day of the trial to which I have been alluding, a very amusing incident occurred. The Solicitor-General being absent, Mr. Bowen was in charge of the case for the Crown. Of course, Bowen was only the "devil"; and possibly the length of the case had somewhat irritated Huddleston. Be this as it may, his lordship, on entering the Court, seemed not to be in a very amiable frame of mind, and at once commenced to find fault with almost everything that had been done by the prosecution. Addressing the "devil," he said: "I don't see the Solicitor-General in his place, Mr. Bowen; but I wish to take this opportunity of stating that I consider that this case has been conducted (of course, I am not blaming the Solicitor-General) in a most slovenly manner. I took all the documents home with me last night, to see if I could get them into some kind of regular shape and order by

the time I come to sum up this most involved and intricate case to the jury. Not a single paper, document, or exhibit is distinguishable — not one of them is either numbered or docketed. It is simply disgraceful!"

"Well, my lord," said Mr. Bowen, in that extremely polite and lady-like manner for which he was famed, "really, my lord, I can't agree with your lordship, for it was only last night, after consultation, that the Solicitor-General and myself, and those associated with me, were remarking how admirably we were instructed, and how excellently the evidence had been marshalled and arranged."

"Really, Mr. Bowen," said the Judge, "I will not be contradicted; it is most unseemly in you. But after all, I have no right to blame you. It is those who instruct you to whom I am alluding, and" (pointing to the little Jewish solicitor in the well) "I see Mr. Abrahams there, whom I know by sight, instructing you. It is to him I refer, and it is with him I am finding fault. I am very glad he is present to hear my observations."

Upon this the little gentleman alluded to threw up his hands, and in a voice not loud enough to reach the Bench, and with an expression on his face that I will not attempt to describe, observed to his counsel: "My God! and when he was at the Bar, he used to take his hat off to me."

CHAPTER XXXIV.

Πολλὰ μεταξὺ πέλει κύλικος καὶ χείλεος ἄκρου.

The Hungerford Murders: a case of circumstantial evidence—Finding the bodies—The suspicions of the gate-keeper aroused—Four well-known poachers arrested—Important clues: the broken gun, the man's cap, the tobacco-box, and the ferret-line—Impressions of the footprints in wax—My clients acquitted; the other prisoners convicted—Thoughts suggested by the trial—Story of Mr. Justice Lindley—How he overruled an objection.

In this year a remarkable trial took place upon the Oxford Circuit, at Reading, before Mr. Justice Lindley. Shortly before this, he had been appointed a Judge on the Chancery side, and though he was not much versed in criminal matters, he tried the case to which I am about to allude most admirably.

The case was known as the "Hungerford Murders." The prisoners charged were William Day, William Tilbury, Henry

Tilbury, and Francis George Tilbury. Mr. J. Griffits, Q.C., with Mr. H. D. Green, prosecuted. I defended William Day and William Tilbury, and the other two prisoners were represented by Mr. Baker Smith. The trial caused very great excitement in the old Berkshire county town, and the Court was crowded daily to suffocation. The opinion was general that the prisoners would be convicted. It was a case of circumstantial evidence. On the night of the 11th of December, a member of the Berks Constabulary, named Goldby, left the town of Hungerford to go on duty in the neighbourhood. It was the constable's practice previous to leaving Hungerford, to see, and if necessary to receive instructions from, his inspector, whose name was Drewett. It appeared, however, that, on the night in question, Goldby was unable to find him. He nevertheless proceeded on duty as usual along the Wantage Road.

A little way out of the town a lane branched off the road, and, to reach it, one had to pass a toll-gate, known as Denford Bar.

When approaching the toll-gate, the constable saw what he imagined was a drunken man lying by the side of the road. Extending his stick, he touched the prostrate form, which, however, did not move. Stooping down, he found that he was in the presence of a man's dead body. It lay in a great pool of blood. The skull had been battered in, and the brains were strewn around.

At the precise moment of making this hideous discovery, the constable heard the church clock strike a quarter to eleven. This fact was all-important at the trial.

Seeing nobody about, Goldby hastened along the road, and roused the keeper of the toll-gate. He then went back to Hungerford, and procured a trap, in which he returned with all speed to the fatal spot. He now discovered that the corpse was that of a police comrade named Shooter. There was no doubt that the poor fellow had been brutally murdered. Underneath the body was found a broken gun-lock, saturated with blood.

Placing the corpse in the vehicle, the constable took it to Hungerford. He then, in consequence of information that he had received, returned to the scene of his discovery. Proceeding a little way further up Denford Lane, to his horror he came across another body. It was that of Inspector Drewett. The time that he made this discovery was about four o'clock in the morning. The body of Drewett, like that of Shooter, was lying at the edge of the road, in the grass. The head of the

inspector was battered in, precisely in the same way as that of the constable. Under the second body found, was a man's cap.

The medical evidence went conclusively to show that, before death, Drewett had been shot in the neck; and, from the nature of the wound inflicted by the bullet, the doctors—who gave their evidence most scientifically—were able to show that the gun must have been discharged at a distance of only about six inches. There were fearful injuries to the skin, but the doctors gave it as their opinion that the gun-shot wound was itself of sufficiently serious a nature to have caused death. The head of Shooter had been so fearfully disfigured and smashed, that it was impossible to say whether there was, or was not, a gun-shot wound on it. The whole of the right side of the constable's head was missing. In all probability both he and Drewett had been taken unawares, disabled by a shot in the head, and then beaten to death.

The alarm had been given at the turnpike by Goldby at a quarter to eleven. It was proved in evidence that, a few minutes later, William Day and William Tilbury came up to the gate and had a conversation—I think, about the weather—with the gate-keeper. The suspicions of the latter were at once aroused. It did not transpire on what those suspicions were based, nor could the question be raised.

William Tilbury lived in the same cottage as William Day. There were three brothers Tilbury, who were employed at an iron-foundry in the neighbourhood. Day had married their sister. The other two brothers lived in the adjoining cottage. Day was described as a rat-catcher and rabbit-trapper; but there was no doubt whatever—indeed, it was a matter of notoriety in the district—that he was a poacher. Another matter of notoriety was that, wherever William Day was by night, the Tilburys were not far off. In point of fact these men, living in adjoining cottages, and bound by the ties of kindred, occupied themselves after sunset with poaching over the well-stocked coverts of the neighbourhood. Under the circumstances, therefore, it is not surprising that the appearance of my two clients, William Day and William Tilbury, at the toll-gate, within a few minutes of the discovery of the body of Shooter, arrested attention. All four men were taken before the magistrates at Hungerford, and were committed to take their trial at the Spring Assizes of the County of Berks.

The evidence left no doubt that the constable and the inspector were both murdered. There was also no doubt that they did not fall in a chance *mêlée*. It was proved that the officers

had their staves in their pockets, and it was therefore clear, as the weapons had not been removed, that they had been taken unawares by their assailants. The question was, who were those assailants? It transpired that, at about half-past seven on the evening of the occurrence, four men had been seen walking along the Wantage Road, not far from the place where the bodies were discovered. They were observed by a carter named Butt. He had recognised them as being the three Tilburys and William Day, and he had particularly noticed the cap that one of them wore. It was further proved that at about ten o'clock on the same evening, Day and William Tilbury were at a farm kept by a Mr. Piggott, and situated not far from the place where the murders were committed. A man named Bryant, who was the occupant of a cottage standing about fifty yards from the toll-gate, returned home with his daughter, on the night in question, at a quarter past ten Five minutes later he heard voices, which seemed to proceed from outside his back garden. At half-past ten he heard the report of fire-arms. As already stated, the body of the constable was discovered at a quarter to eleven.

The prisoners were all arrested in Day's house, early in the morning following the day on which the crimes were committed. Those who arrested them found on the premises a gun that had recently been discharged, and two bags, one containing shot and the other powder. At the back of the house were found a broken gun-stock, the butt of a gun, and a gun-barrel. The barrel was discovered under the earth, and the butt and stock beneath some long grass.

Under Drewett's body a trigger-plate was found, and upon examination, it was seen to exactly fit the broken gun discovered in the cottage. Further than this, the shot extracted from the inspector's wound corresponded in size and quality with those found in the bag. Near the constable's body a tobacco-box and a ferret-line were picked up, and they were both proved, by overwhelming evidence, to have belonged to William Day.

Testimony was given that the cap discovered at the scene of the murders had belonged to Henry Tilbury. Evidence, indeed, on this head was scarcely needed, for when the article in question was produced in Court, Henry Tilbury observed: "That cap is mine."

Close to the spot where Drewett's body had lain, there was a gap in the hedge. It opened on to a recently-ploughed field, across which the footsteps of four men were traced; and it was

clear from the nature of the footprints that the men had been running. Impressions had been taken in wax, and those impressions, together with the boots of the four prisoners, were exhibited to the jury, who were left to form their own conclusions.

In regard to Day I set up an *alibi*, but the witnesses I called in support of it did not come through their cross-examination very successfully. The case, I think, lasted three days, and after I had addressed the jury and Mr. Griffits had replied, the Judge proceeded to sum up; and, regarding his remarks, I may say that, though exceedingly fair, they were most unfavourable to the prisoners.

In the end, the jury found my two clients, William Day and William Tilbury, "Not Guilty." The other two brothers Tilbury were convicted, the younger being, however, recommended to mercy on the ground of his extreme youth.

I cannot help thinking that this case furnishes an additional argument to those already brought forward by me in favour of the establishment of a Court of Criminal Appeal. Had such a Court existed, I should not have been able to point out to the jury that, while in cases of all crimes short of murder, an erroneous verdict can be quashed; in cases of actual murder, if a verdict is returned which, though carefully weighed and conscientiously given, is yet erroneous, no earthly power can restore the life forfeited to the law. I think I am right in saying that, in acquitting my two clients, the jury were influenced by the considerations I thus brought under their notice.

The case, as I said before, was entirely one of circumstantial evidence. Everything depended upon minute calculations of time and distance, full particulars of which I have, of course, not been able to place before the reader. I am bound to admit, however, that, though the case was one of circumstantial evidence, it was circumstantial evidence of the very strongest description.

The two Tilburys who were convicted, were sentenced to death, and duly executed.

When there was an amalgamation of the common and Chancery Courts, and when common-law counsel were made Judges on the Chancery side, and Chancery counsel were made Judges on the common-law side, it was suggested that the Judges from the Chancery side, who knew nothing whatever of criminal law, would be absolutely useless, and, in point of fact, dangerous. The contention certainly could not have been upheld with truth in regard to the learned Judge who presided over the proceedings just described, for, in all my experience,

I never knew a case more admirably tried. His lordship is now Lord Justice, and is free from circuit troubles. I may relate a good story that is told of him, and which has reference to the time when he was first made a Judge. In those days there were the Courts of Queen's Bench, Exchequer, and of Common Pleas. He was appointed the Judge of the last-named.

In one of the first cases that he tried, a very troublesome and unruly counsel was engaged. This gentleman, indeed, was not by any means a *persona grata* in any of the Courts. Finding himself before a new Judge, he no doubt thought that he could behave with even more freedom than usual, and he accordingly proceeded to badger and harass his opponent in every conceivable way, taking exception to nearly every question that was put.

Poor Mr. Justice Lindley did not know what to do, and he was exceedingly glad when the hour for luncheon arrived. In those days there was a common-room to each division, and the Chief Justice and his puisnes lunched together. The Chief Justice of the Common Pleas, was, I may mention, at that time the present Lord Chief Justice of England.

When Mr. Justice Lindley entered the room, he found his brother Judges already seated at table. He was rather red in the face from the excitement he had just gone through, and the Chief Justice, observing this, said:

"Why, brother, you look rather ruffled. What's the matter?"

"Well," said Lindley, in his quiet way, "there's a most dreadful counsel in my Court. He keeps objecting to everything. I don't know what to do with him."

"What is his name?" said the Chief Justice, quietly discussing his chop.

Lindley mentioned the name of the counsel in question.

"Oh, Mr. ——!" replied the Chief Justice. "My dear Lindley, over-rule his objections—over-rule every objection that he makes."

Luncheon over, the new Judge returned to his Court. A question was put by the advocate opposed to the obstructionist, and was duly objected to, whereupon the Judge, repeating the words of the Chief Justice, said: "Mr. ——, I over-rule your objection, and I over-rule every objection that you make."

CHAPTER XXXV.

QUIS CUSTODIET IPSOS CUSTODES?

A mystery solved—Leading police officers charged with conspiracy—Kurr's record: autobiographical particulars—Swindle upon swindle—The police assist, and are liberally remunerated—Benson had moved in the best society—Corrupting the Newgate warders—Benson's grovelling letter to his father: an instance of doubtful sincerity—A letter of another kind from Benson: a language of double meanings—Have we had a proper detective force since?

In describing the frauds practised upon Madame de Goncourt, I drew attention to the fact that a gang of swindlers had been carrying on their business without let or hindrance from the police. What had the detectives been about? was the question on everybody's lips when the facts came to light. The mystery was soon solved.

The perpetrators of the De Goncourt frauds, when in Newgate, found means to communicate with one another, and it was not long before they determined to give evidence to the Government that would bring home a charge of conspiracy to the chief officers of the Metropolitan detective force.

Chief-Inspectors Druscovich, Palmer, and Clarke, Inspector Meiklejohn, and Mr. Froggatt (the solicitor who had originally been entrusted with the defence of Benson and Kurr) were duly charged at Bow Street, and were committed to take their trial at the Old Bailey.

The trial commenced on Thursday, October 25th, 1877, and occupied twenty-two days. The Attorney-General (Sir John Holker), the Solicitor-General (Sir Hardinge-Giffard), Mr. Gorst, Q.C., Mr. Bowen, and Mr. Cowie, appeared for the Treasury. I, with Mr. Walter Ballantine, defended Meiklejohn, who was first on the indictment; Druscovich was represented by Mr. Straight; Palmer by Mr. Besley and Mr. Grain; Froggatt by Mr. Collins, Q.C., Mr. Avory, and Mr. Kisch; and Clarke by Mr. Edward Clarke and Mr. Charles Mathews. Baron Pollock tried the case.

The proceedings attracted great public attention, and the Court was thronged every day.

The charge was, in effect, that those accused of defrauding Madame de Goncourt had, acting with others, been engaged in defrauding the public by various means, and that the police officers on their trial had entered into a conspiracy with them to aid them in their proceedings, to prevent their being arrested, and generally to pervert the due course of justice.

The principal member of the gang of swindlers was William Kurr, who showed in his examination and cross-examination, that he was a man of great ability, nerve, energy, determination, and courage.

He was the son of a baker, and only twenty-six years of age. He stated that when fourteen years old he was a clerk on the South Eastern Railway, and that he ran away from the situation at the end of twelve months. He now took to racing and backing horses, and afterwards became a clerk to a money-lending company, called the Grosvenor Investment Society. Then, to quote his own words, he "continued for the rest of his life, up to the time of his arrest, to derive his living by swindling and plundering the public." As far back as 1873 he was engaged in a betting agency in Edinburgh, carried on under the name of Philip Gardiner & Co. The company invited the public to invest money with it, in order that the amounts might be laid out advantageously in bets. An announcement was made to the effect that the company was in possession of knowledge that would render success absolutely sure. The credulous public contributed largely, and never saw a penny back. The company did not make a single bet, and the whole thing, from beginning to end, was a sham and a fraud.

The truth having leaked out, the swindlers decamped, and recommenced business elsewhere. Meiklejohn was the first of the detectives seduced from their duty, and he now appeared upon the scene. He rendered important services to the gang by forewarning them when warrants were issued against them, and by giving them other useful information. He received £100 for his pains.

It was after the collapse of the Grosvenor Investment Society, that Kurr introduced Meiklejohn to Benson. Benson was a Jew, and, though a British subject, had received the greater part of his education in France.

In 1872, he had been arrested for perpetrating a fraud on the then Lord Mayor, and had been sentenced to a year's imprisonment. While in Newgate he had attempted to commit suicide by setting fire to his bed-clothes. He received very severe injuries from the conflagration, and when he came out of prison was a cripple, and unable to walk.

Having changed his name to Young, Benson, in 1874, advertised for literary employment. Kurr and his associates were at that time carrying on a fraudulent betting scheme in Scotland, and in order that they might extend their sphere

of enterprise beyond Great Britain, they desired to obtain the services of one who could translate their circulars and announcements into foreign tongues. The advertisement proved the means of bringing the two men together; they found that they could be of use to one another; and very soon an intimate friendship sprang up between them. Benson forgot the good resolutions he had made upon coming out of prison, and devoted himself heart and soul to assisting in the carrying out of the fraudulent schemes that the gang had in hand.

In 1874, an agency, called Archer & Co., was set on foot in London, with offices in the Strand. The agency was, to all intents and purposes, another Gardiner & Co. Kurr, in his cross-examinations by me, spoke of it as not a very remarkable transaction, and said: "We only made some eight or ten thousand pounds out of it." It was in this way that these worthies calculated figures and amounts. In a short time the agency was temporarily put an end to through the instrumentality of the defendant Druscovich. I was always very sorry for this prisoner. He had been one of the most able officers in the force, and I am certain that it was only a temporary want of money that induced him to go wrong. His Mephistopheles was my client Meiklejohn, who would have corrupted a regiment. It appeared that Druscovich had intercepted letters sent to the firm from France. The police having thus got scent of what was going on, the agency was removed, first to Brighton, and then to Scotland.

Of course the whole of this story was told by Benson and Kurr in the witness-box. The Attorney-General asked the jury only to adopt their testimony when it was corroborated. Two letters were put in with regard to Archer & Co. They were written by Meiklejohn to Kurr. One ran as follows:

"DEAR BILL,

"I should like to see you to-morrow at my place before 9 p.m. I have a letter from Glasgow. I now go on duty from 11 a.m. to 5 p.m. Wire a line if I may expect you."

The other letter was in the following terms:

"DEAR BILL,

"Rather important news from the north. Tell H. S. and the young one to keep themselves quiet. In event of a smell stronger than now, they must be ready to scamper out of the way. I should like to see you as early as possible.

Bring this note with you under any circumstances. The brief is out—if not, it will be, so you must be sure to keep a good look-out."

Kurr explained that the word "brief" meant "warrant." It was at this time that Meiklejohn received for his services a sum of £500. So profitable did the venture prove, that Benson was enabled to go and live at Shanklin in comfort and good style; and it was most amusing to notice, during his cross-examination, how anxious he was to show that he had mixed among good people. His house at Shanklin was called Rose Bank. He kept servants, horses, and carriages, and, indeed, lived in a most sumptuous style, almost as one of the aristocracy. It was while living at Shanklin, that Benson was alleged to have been visited by Chief-Superintendent Clarke, who, it was suggested by the prosecution, had been gradually drawn into the services of these schemers on being paid large sums of money.

Telegrams and letters—irresistible proofs in themselves—were put in as evidence. Independent witnesses deposed to interviews of an extremely suspicious character between the police officers and the convicts. Bank-notes, which had been known to have been in the possession of Benson and Kurr, were found in the hands of the detectives.

Druscovich, as already indicated, had been drawn into the conspiracy almost involuntarily. While in pecuniary difficulties he had been persuaded to accept a loan from Meiklejohn, and from that moment he became an unwilling instrument in the hands of the gang. Palmer had been bought over much in the same way. In return for the accommodation received, he rendered the swindlers an important service. He despatched a timely telegram that enabled them to escape arrest.

It appeared that such was the contaminating influence possessed by these men that, while in Newgate, they established a regular means of communication among themselves, which, to say the least, indicated that somebody had, in the phraseology of the hour, been "got at." In point of fact, even after their conviction, in some mysterious way they obtained possession of an apparently unlimited amount of money, with which, it would seem, they were able to seduce from his duty and allegiance every person with whom they came in contact. One letter written by Benson, and given into the hands of a warder for delivery, was stopped *in transitu*, and was read in Court. It was written to his father, and ran as follows:

"My dear Father,

"You may imagine what depths of despair and distress I must have reached to dare to address you, whom I have so fearfully wronged and grieved; but in you is now centred my only hope, and, therefore, it is better that I should face your just wrath than depute a third person so to do. I will not, nor can I—for I am so sick of hopes so constantly deferred—tell you how, each day during the last six weeks has dawned with a faint prospect of success, and how it has closed with no hope. To live as I have done for months now is worse than death. I am now driven to the limits of my reason. I have lost all hopes; despair has hold of me, and in the extremity of my need, I turn to you who are my father, and beg you to save me. I know I have no right to ask you for anything, nor would I even do so were you to run any risk; but you, under God, have it in your sole power to save me from my doom. Were I to tell you what the result of my reflections has been—that I have formed, and with God's help will carry out, good resolves—you would probably, and also reasonably, retort, 'I don't believe you. You have made so many professions, and so few promises have you kept that I will not, and cannot believe you.' Yet I am sincere this time, so help me God. I intend to carry out my good resolves if I am set free, and I intend to commit suicide if I am convicted. I can do you one good turn by saving you from the fear of *exposé* from a *cause célèbre*, and I will do so, for my judges I will not face. What mercy could I expect from strangers, when my own father refuses to save me? But is flesh and blood nothing? Am I not flesh of your flesh, bone of your bone, and is not blood stronger than water?"

I asked Benson whether or not he was sincere when he wrote that letter. He swore most positively that he was sincere in the sentiments he thus expressed. The date of the letter was the 20th of the month. I then produced a letter, written from him to Kurr, which was intercepted on the 21st of the same month. It ran as follows:

"Another straw for us to cling to. Supposing Baxter were of Batty's opinion, here is our negociations. Forbes" (he explained that "Forbes" meant "Madame de Goncourt") "says 'I won't be married'" (meaning, "I won't prosecute"). "We know this. We send that fellow Matty to his dear friend Monkey" ("Matty" was Mr. Humphreys, the solicitor; "Monkey" was Mr. Abraham, who represented the Treasury).

"The family have settled with Forbes; she won't come. You have a good excuse therefore to close up the whole affair, you pretending to figure, and my clients will, if you drop it and Forbes be satisfied, give you some Flower-show information" (he explained that that meant "information concerning the police"). "Monkey's honour will be saved and Cowdry satisfied. Monarch gets what he fancies will enable him to renovate the Gardiner's system" ("Monarch," he explained, was the Treasury; and he added that the language used was thoroughly understood between Kurr and himself) "as Thomas Taper can say nothing, and the country will be saved a lot of expense. This, I fancy, will suit the d——d fool Baxter" (a solicitor). "He will be able to show his pomposity and say: 'Through me the whole affair is ended. Through me Monarch knew all about it.' Indeed, yesterday, the beast began winking at me, and said, 'You will never know what I have done for you; but you will find the good of it later.' Yes; fifteen pen'orth" (he explained that that meant that he had no faith in his solicitor, on account of his ridiculous vanity). "So our position is simply this. If Baxter says 'You are all right provided Forbes does not get married,' then we tell Matty to go and consult and learn his lessons from a clever man. If he says Batty is right, I leave it to W. to decide whether or not we adopt the Gardiner's scheme, besides satisfying Forbes. If not, we must prepare for the very worst. If I am not able to send out my flick to Sheerness" (that meant, his letter to a man named Colkitt), "don't detain Batty long, but pack him off at once. If Baxter says we are right, then Sheerness goes to Batty the first thing to-morrow. Baxter is my man." (On being asked who he meant by his repeated references to "Baxter," he said "Mr. George Lewis.') "Harwood has planned and schemed all his life, but he never planned and schemed half so much in his whole life as he has done for the last three days." ("Harwood," he explained, was himself.) "Be sure you put Sheerness' letter in a sealed envelope. I have not, and it is not good enough to give it open to a screw" (a warder). "Harwood will leave it with Batty. Instruct Batty to send it forthwith to Keeturs" (that meant Colkitt). "I will arrange with Elong or Mat Moppy" (Elong, he explained, was a warder who had left). "Do not give Fathead any flicks for outside" ("Fathead" was another warder). "He is on duty to-night, and will call on you for flicks for me every half hour; so be ready when he calls" (he explained that "flicks" meant letters). "Elong is the only one in whom any faith is to be placed. He

is the only one who knows of the Hatton haunt. A thought has just struck me about Hood. He says that everything is so awfully dear in Dublin" ("Dublin" meant Paris), "and he forwards the amount of his bill, which is under £6, and he has had £40. It shows that he takes us for fools not to know the value of Irish money" (French money). "He will get the diamonds, and gang to Hockeyland" (that meant, "he will get the money and go to New York"); "this I defy him to do unless he cracks Pool's drum, which God forbid."

Having read this letter, I asked the witness: "Do you still say that you were sincere when, within the twenty-four hours, you wrote that letter to your father?" He blandly answered, "Yes;" and that concluded my cross-examination.

I have of course been unable to go at any length into the evidence given at this trial, lasting as it did nearly a month. I have not been able to deal with the charges brought against Froggatt. Suffice it to say that these men had induced him, in his professional capacity, to assist them in their schemes.

In the end, all the defendants, with the exception of Clarke, were convicted and were sentenced to the highest punishment awarded by the law for their offence—namely, two years' imprisonment.

I have always considered that this trial was the breaking up of the Metropolitan detective force. The men who were convicted had been, before they were led away from their duty, leading and important officers; and, so far as I know, from that day to this, the force has never been properly and systematically reorganised.

CHAPTER XXXVI.

"OBSTUPUIT STETERUNTQUE COMÆ ET VOX FAUCIBUS HÆSIT."

Charge of assault against Sothern, the actor—An elderly vermin-destroyer and spiritualist—Sothern and Toole give an invitation to a *séance*—The medium—A culminating marvel—The *dénoûment*—Sothern apologises, and the affair blows over—A jealous butcher murders his wife—The lenient sentence—Scene outside the Court-house—A bystander's humorous observation.

I WAS counsel in rather a strange case that came before the magistrate at Marylebone Police Court. The defendant, whom I represented, was my old friend Sothern, the actor. The charge against him, which was one of assault, was of rather an unusual character.

He, Toole, and a friend of theirs named Addison, a stock-

broker, had become acquainted with a man of the name of Tiffin, who had made his fortune by exterminating from houses that most disagreeable of insects popularly known as the "Norfolk Howard." He had retired from business, and become a disciple of spirit-rappers and spiritualists generally. This peculiarity of the old gentleman's—he was about sixty years of age—had become known to Sothern and Toole, and they determined to have some fun at his expense. Mr. Tiffin invited the two comedians to dine one Sunday at his villa in St. John's Wood, and it was during the progress of the meal that Sothern solemnly announced that both he and Toole were, themselves, spiritualists, and that Toole was a remarkable medium. Ultimately it was arranged that they should all go and sup one evening at the house of Mr. Addison, in Regent's Park, and that there they should have some spiritualistic manifestations.

Sothern, Toole, and Mr. Addison now put their heads together to produce some wonders that would startle the unsophisticated old gentleman. They even went the length of fixing galvanic apparatus into the walls of the house at Regent's Park.

Mr. Tiffin duly arrived at Mr. Addison's on the appointed evening. All sorts of mummeries were gone through, and, among other things, the old gentleman was directed to place his hands on certain parts of the walls. He did so, and, owing to the presence of the batteries, was nearly knocked down by the shocks he received.

Mr. Tiffin was greatly impressed by the wonders brought under his notice.

When the fun had been going on for some time, the company sat down to supper. The meal was pursuing its prosaic course, when, on a sudden, Sothern jumped up, and exclaimed: "Toole is seized with a fit! A spiritualistic power has descended upon him, and he can't shake it off!"

The face of Toole was horribly contorted, and he groaned piteously.

Sothern, as though frightened out of his wits, jumped up from his seat, and got under the table. Mr. Addison followed his example, and the old gentleman, with undignified haste, promptly joined them.

Poor terrified Mr. Tiffin peered at Toole from under the cloth; and it must be admitted that the comedian's demeanour and behaviour were calculated to arrest attention. Slowly, and with a savage gleam in his eyes, he produced knives from all parts of his body.

It was too much for the old gentleman. Scrambling to his feet, he rushed from the room, passed out at the front door, and fled for his life down the street. He was hatless, and in his shirt-sleeves; for, during the spiritualistic manifestations, he had been persuaded to divest himself of his coat.

Sothern and Mr. Addison followed in the footsteps of the elderly vermin-destroyer, and Toole brought up the rear. It was between three and four o'clock in the morning.

Mr. Tiffin continued his flight through many streets. His pursuers gradually gained upon him, and apparently his alarm increased when he heard the footsteps behind him. Taking a sudden turn to the right, he entered some fields, ran across them, and presently came up to a brick wall. In his panic, he climbed over this obstruction, and then, his strength being exhausted, he sank upon the grass on the other side.

He seems to have lain there until daylight broke, when, finding some way out of the enclosure, he proceeded home as best he could.

Such was the assault for which Mr. Tiffin summoned Sothern. What was to be done? I suggested that I, with a solicitor, should see the complainant personally before the case came on, and try to appease him. Full well I knew the danger of placing Toole and his companion in the box. They were too fond of practical joking to be of any use as witnesses.

My efforts with the prosecutor proved successful. He accepted a handsome apology from Sothern, and the summons was withdrawn.

I was specially retained in a somewhat sad trial that took place, about this time, at the Northampton Assizes.

A butcher was charged with murdering his wife. The accused was a successful tradesman in the town, a member of the Volunteer Force, and a good all-round sportsman. He was about six-and-twenty years of age, and his wife was a little younger. It appeared that, though passionately attached to her, he came to look upon her conduct with suspicion. The subject of his jealousy was a sergeant of the Black Watch, a good-looking and strapping fellow, home on furlough.

There was no doubt that the poor butcher had good grounds for his misgivings. His wife was in the habit of meeting the sergeant and taking long walks with him.

The soldier had been friendly with the butcher; but the latter had a conversation with his wife respecting the former, and told her not to encourage him at the house.

The butcher returned home one evening, and found his

wife entertaining the soldier to supper. Wishing to avoid a scene, he said he was not hungry when his wife asked him to sit down to table. He then left the house and walked about outside.

When the soldier took his leave, the butcher returned indoors and had a serious quarrel with his wife. He then went upstairs with the intention of going to bed, leaving his wife in a somewhat sleepy condition in the sitting-room. On reaching the bedroom he did not undress, but threw himself into a chair and began to turn matters over in his mind. While thus occupied he fell into a doze. When he woke up and looked around, he found that the candle was still burning in its socket, and that his wife had not yet come up. He went downstairs, found the front-door open, and passed out into the street, where he found his wife talking with the sergeant. Returning hurriedly to the house, he snatched a carving-knife from the supper-table, and rushed out again into the street. Running up to his wife, he plunged the knife through her heart, and she fell dead at his feet.

The poor fellow was filled with remorse. At the trial I did my utmost to save him. The Judge summed up somewhat for a conviction; but the jury, adopting my view, acquitted him of murder and found him guilty of manslaughter, adding a strong recommendation to mercy. He was sentenced to twelve months' imprisonment.

This was my only experience of Northampton, which, as I need hardly remind the reader, is somewhat of a rough place.

There was at that time no robing-room in the Court; so we had to put on our war-paint in the hotel, passing to and fro in wig and gown.

On returning to the hotel, I was followed by an enormous crowd of the butcher's sympathisers. Many of them insisted upon shaking me by the hand, and, between them, I was almost torn to pieces.

One individual, to show his gratitude, slapped me on the back, and exclaimed: "I say, gov'nor, if you come down here and preach, darned if I don't go regularly to church on Sundays!"

Such was my experience of a Northampton audience.

CHAPTER XXXVII

LEX TALIONIS.

My fondness for dogs—Rob—He disappears—The "Forty Thieves"—Unsuccessful efforts to find my favourite—Visit from the mysterious stranger—Waiting outside Shoreditch Church in the snow—Delays, precautions, and haggling—Rob is returned—The "Family Relic"—Two years later: I prosecute my Shoreditch friend—He is staggered at the sentence.

I HAVE always been very fond of dogs, and believing as I do that no home is entirely comfortable without, at any rate, one of them, I presume that my fondness for the species will never be diminished. Some years ago I could boast the possession of one of the handsomest collies I have ever seen. What a splendid fellow he was! He was magnificently marked—black-and-tan; he had great, staring eyes, and his coat was as black as jet. As faithful a creature as ever came to heel, he was my particular companion and my peculiar friend. Fond enough of the rest of the household, and not averse to the caresses of the children, he was perfectly conscious that I was the boss.

My collie's name was Rob. He was made a present to me by a very intimate lady friend of mine. She purchased him from one of the keepers of Fleur's Castle, and handed him over to me with his name, age, and parentage written on a piece of paper attached to his collar.

One day, in the winter of 1877, while walking home from the Temple to my house in Upper Brook Street, I observed, in the shop windows, a number of handbills offering rewards for the restoration of "lost, stolen, or strayed" collies. The dog-stealers were having a good time of it. The "Forty Thieves," as I afterwards learnt they styled themselves, were levying black-mail on the dog-owners living in the fashionable quarters of the metropolis. As I walked along, my favourite following an inch or two from my heel, and wearing the appearance of one who scented danger, the thought occurred to me: What if Rob were to be stolen—what if one of the dog-stealers, with a device which even he could not withstand, were to seduce my trusty vassal from his allegiance? The mere thought made me uneasy, and, on my return home, I gave special orders to the servants to keep a sharp eye on my favourite, warning them that I should hold every member of the household responsible for his safety.

Our joint anticipations—mine and Rob's—were shortly

afterwards realised. On the following Sunday morning the calamity occurred. Before I got up, Rob, who always slept in my room, crept noiselessly downstairs, no doubt thinking that, as it was the Sabbath, I was entitled to a little extra sleep, and ought not to be disturbed. Finding the front-door open, he strolled out into the street.

Soon afterwards I got up and whistled for my friend. There was no answer, and presently I discovered, to my horror, that he was gone. In a moment the whole household was in a state of consternation. The neighbourhood was scoured. The police stations were visited, and inquiries were made in all quarters. We could not, however, find a trace of the dog. What on earth was to be done? What were the best steps to take to recover him? We held a family council, and came unanimously to the conclusion (a perfectly wrong one, by the way) that the wisest course to take was to employ a detective, and authorise him to issue handbills offering a reward for the restoration of the absentee. This was done, the reward offered being £10.

Day after day passed; new bills were issued, advertisements were inserted in the daily papers, the reward was doubled—but all in vain.

About three weeks after the date of my dog's departure, I was sitting in my chambers reading briefs. My clerk entered, and announced that a man had called who stated that he wished to see me on urgent private business, but that he must decline to give his name. The man was shown in, and the moment he entered I had a correct presentiment as to the nature of his business.

"Lost a dawg, sir, I believe?" said he, "collie dawg, valuable dawg, sir. I've heard of one which answers the description from nose to tail. If it's all square and right, guv'nor, I knows a pal of mine as might be able to work the hanimal back."

So anxious was I to recover Rob that I was willing to agree to any terms, and gave in without further parlance. It was arranged that I was to bring the money (£20) in gold to Shoreditch Church at half-past seven o'clock that night.

At the right time I sallied forth to keep my appointment. I don't think I was ever out on a worse evening. The wind was blowing a hurricane, and a mixture of snow and hail was falling. It was certainly not a fit night to turn a dog out—but I was going to try and bring one home. Passing from King's Bench Walk across the Temple Square, and through Serjeant's Inn into Fleet Street, I hailed a hansom, jumped in, and, in

about five and-twenty minutes, was standing on the pavement outside the railings of Shoreditch Church.

For some time I stared anxiously through the snow and mist without seeing a soul. Presently, however, a man, with a peculiarly halting gait, emerged into sight, and came shambling up to me.

"Dawg, sir?" said he, touching his hat, "come about a dawg lost in Upper Brook Street, £20 reward? Are you the gentleman?"

It was not a night to stand arguing, so I quickly gave the stranger to understand that I *was* the gentleman, that I wanted my dog, and that I was quite prepared to hand him over the money.

"Wait a minute, sir," he said. "Business can't be done in that sort of way. You are not on the cross, sir, by yourself? No coppers about, eh?"

I hastened to assure him that he had nothing to fear from me, that I had given the necessary promise to his agent in the morning, and that my word was my bond. To my astonishment and disgust, he then informed me that the dog was not in his possession, but that, if I followed him to the second-class refreshment-room at Bishopsgate Station, the transaction should be completed. It was, I confess, with great difficulty that I kept my temper. Muttering something not very complimentary to my guide, I told him to lead the way, and that I would follow.

When we were close to the station, my companion was joined by another man. We all three then proceeded down the platform, to a dark corner near the second-class refreshment-room.

"Now, sir," said the man whom I had encountered outside the church, "give us the quids, and in five minutes you shall have the dawg."

I thought this rather a cool request, and explained that the proposal would not suit me at all. I was not such a fool, I said, as to hand him the money before he handed me the dog. A good deal of haggling then took place between us, and it was finally arranged that he should go and fetch the dog, while his friend remained by my side with the twenty sovereigns in his hand.

In a few minutes the man returned with Rob. The sagacious creature, on catching sight of me, nearly broke away from the rope by which he was led. The transaction was now duly completed; I took the dog, and the man who had restored the animal took the money.

It was bitterly cold, and wishing (for reasons I will presently explain) to know something more about my companions, I invited them to come into the refreshment-room and have something to drink. Needless to say, the offer was promptly accepted. Standing beside the bar, we had a tolerably long chat. My Shoreditch friend, after partaking somewhat liberally of hot whisky and water, described, in answer to my questions, the manner in which the dog had been abducted. He explained that he and his companions waited for days before they could capture Rob, and that, on being enticed from the street-door on the Sunday morning, he was bundled into a covered baker's barrow in waiting round the corner.

I ventured to remark to my two acquaintances that they must be doing a thriving business, £20 being a large sum to receive for the restoration of one dog. The answer I received was that it was "only two quid apiece, as there are ten of us in it, and it is share and share alike." I then somewhat modestly remarked that, knowing who I was, I thought it rather too bad of them to steal my dog.

"Ah! that's the best of it," said one of them. "Lord, sir, you should have seen how my pal Bill here did laugh. 'Ain't it rather hard,' says I, 'to take the counsellor's dawg?' 'Not a bit, Jim,' says he; 'he's had a good lot out of us, and why shouldn't we get a little out of him?'"

The two scoundrels went into a fit of laughter, and I am very much afraid that I joined in the merriment. As I said before, however, I had my own reasons for prolonging the interview. The truth is, a friend and neighbour of mine, living in Norfolk Street, Park Lane, had lately lost her collie for the fourth time. For weeks she had been endeavouring in vain to recover the animal. I now introduced the subject of my neighbour's loss, and was not long in discovering that the collie was in the hands of these Philistines. After ordering some more whisky and water for the party, I offered half the sum I had paid for the recovery of my own dog, for the recovery of my friend's. This they seemed to regard as an excellent joke, and on my venturing to remind the Shoreditch gentleman that the collie in question was an old one and not so valuable as mine, the scoundrel replied:

"Quite true, sir; he's an old 'un, and not so much value in the market as the other. He wouldn't do for exportation like yours" (here was a fate my poor friend had been saved from!); "but he belongs to a lady. She's so fond of him; and the gents, too, they dotes on him. He's a reg'lar old family relic.

You must spring a good deal more on him before you can expect to get him back."

This was rather more than I could stand, and feeling that there was no chance of the negotiations coming to a successful issue, I proceeded, in rather forcible terms, to give the speaker a piece of my mind.

"Not going to round on us, guv'nor?" he replied; "not going to round? We knew that we could take the counsellor's word, and he ain't a-going to break it?"

I at once put his mind at rest on that score. I added that though, according to the treaty, he was safe for that night, it was not likely I should forget the features and appearance of the man who had helped to deprive the "counsellor" of his favourite dog.

The interview was over. Muttering something, the two men hurried off. Rob and I jumped into a hansom, and within an hour, both of us were at home, asleep before the fire.

Two years passed away, and once more it was clear the "Forty Thieves" were at work. They levied contributions from the public with more daring than ever. Things came to such a pass, indeed, that the authorities had to take the matter up.

In my official capacity as Counsel to the Treasury for the County of Middlesex, I was instructed to prosecute various dog-stealers who had been arrested by the police. The very first case of this description was that of a man who had frequently been convicted for the offence. By statute, the maximum punishment for dog-stealing, even after previous convictions, is only eighteen months' hard labour; a dog, for some reason or other which I never could understand, being, by the law of England, regarded as not a chattel. On reading the depositions before drawing the indictment, I found that the dog, when stolen, had a collar on. I resolved, therefore, to draw two indictments: one for felony (stealing the collar); the other for the statutable misdemeanour of stealing a dog, after previous convictions for the same offence. I determined to try the man for the misdemeanour first, and then, if he were convicted, to proceed with the charge of felony. The truth is, I had not forgotten the £20.

The indictments were preferred and found, and the prisoner came up to plead. Judge of my astonishment and delight when I found myself face to face with my old Shoreditch friend. He recognised me at a glance, and the expression of the rascal's face was most ludicrous. From start to finish of the trial, he never took his eyes off me once. During my

opening of the case his face grew longer and longer. He seemed not to pay the slightest attention to his own counsel, Mr. Thorne Cole.

The jury returned a verdict of "Guilty"; and when I expressed my intention of trying the prisoner again, for the theft of the collar, he seemed to give a long, low kind of whistle.

The second trial took place, and the man was again convicted. He was sentenced to eighteen months' imprisonment for the misdemeanour, and twelve months' for the felony, the terms of confinement to run consecutively. It is a known fact that habitual criminals prefer penal servitude to two years of hard labour; and it was clear that the prospect of thirty months on the latter condition somewhat staggered the prisoner. He put his hand up to his head, and, looking very hard at me, muttered, as he was hurried off to the cells: "Thought he'd have me some day. He's made me pay d—— dear at last for those pieces."

CHAPTER XXXVIII.

HORRIBILE DICTU.

The Penge mystery—A mercenary marriage—The wife's wrongs—Slow starvation—Death of the baby—Dying in the garret—Mrs. Staunton is moved to Penge—Shocking discoveries at the *post-mortem* examination—Dr. Longrigg withdraws his certificate—The praise due to him—All the prisoners found "Guilty"—The tragic scene in Court.

In the old Court of the Old Bailey, in the mayoralty of Sir Thomas White, a trial took place before Mr. Justice Hawkins in September, 1877, which was known to the newspapers as the "Penge Mystery." Louis Staunton, aged twenty-six, Patrick Staunton, aged twenty-four, Elizabeth Ann Staunton, aged twenty-eight, and Alice Rhodes, aged twenty, were tried for the murder of Harriet, the wife of Louis Staunton.

The Attorney-General (Sir John Holker), the Solicitor General (Sir Hardinge-Giffard), and Mr. Poland conducted the prosecution on behalf of the Treasury. I and Mr. C. Mathews appeared for Louis Staunton, the husband; Mr. Edward Clarke for Patrick Staunton, his brother; Mr. Purcell for Elizabeth Staunton, Patrick's wife; and Mr. Percy Gye for Alice Rhodes, the sister of Elizabeth Staunton.

The case commenced on Wednesday, September 19th, and occupied seven days.

It appeared that in June, 1875, Louis Staunton, who had been an auctioneer's clerk in somewhat impecunious circum-

stances, married a young woman named Harriet Butterfield. Her personal appearance had always been the reverse of prepossessing. She was ten years her husband's senior, being thirty-six years of age. She had always been regarded as a person of somewhat weak intellect. A snug sum of money—some £3,000—belonged to her, and the evidence that was brought forward left little doubt that Louis Staunton married her for the sake of her property.

There was no settlement made at the time of the marriage. The husband, however, took what ready money there was to be had, and induced his wife to sell certain reversionary property, which would eventually belong to her. From the commencement, the married life of Mr. and Mrs. Staunton was not a rosy one. Louis had a half-brother, Patrick, and this half-brother had married a woman named Elizabeth Rhodes, who had a younger sister named Alice; and there could be no doubt that, shortly after the marriage of Louis Staunton, a criminal intercourse commenced between him and the young woman Alice. The wife, it appears, was aware of what was going on, but such was her mental weakness, that she had not the power to proclaim her wrongs, with a view to their being redressed.

In the latter part of 1876, it appears that all the characters in this terrible story of crime and debauchery were living near one another in an out-of-the-way desolate little village in Kent, called Cudham.

Patrick Staunton, the half-brother, was by profession an artist. He was in the habit of making rustic sketches in the vicinity, and selling them in the neighbouring villages. He occupied a five-roomed house, the Woodlands, and within a mile Louis Staunton had a farm called Little Grays.

It transpired that, soon after Louis Staunton took Little Grays, a change took place in his domestic arrangements. His wife, and the child that had been born soon after their marriage, were sent to the Woodlands, the husband paying to Patrick £1 a week for their board and lodging. Shortly afterwards, Alice Rhodes came to live at Little Grays. The neighbours, who had never seen or heard of the unfortunate Mrs. Staunton, never doubted that the occupants of the farm were man and wife. It was not clear from the evidence whether the unfortunate Mrs. Staunton knew that her husband was living with Alice Rhodes. It was proved that, shortly after the former's change of residence, her husband took her up to London, and caused her to sign away the last available item of her property.

What took place from that day was shrouded in mystery. Suffice it to say that, from the moment the document was signed, Louis Staunton, having deprived his wife of every penny she possessed in the world, set to work to bring about her end; his intention being, no doubt, when once he was rid of her, to marry the girl Alice Rhodes, and live on the proceeds of his late wife's property.

The theory of the prosecution, which was amply sustained by the evidence, was that Patrick Staunton and his wife lent themselves as accomplices to this diabolical scheme. The Woodlands, where they lived, was, as I have already said, a small house. There was a garret at the top of it, and in this garret the unfortunate woman was confined a close prisoner. There is no doubt that it was intended by slow degrees to starve her to death. They took away her boots and stockings, to lessen the possibility of her making good her escape. The process of bringing about her death by slow starvation was deliberately and systematically carried out. On some days they gave her no food at all, on others a very little. She was allowed no water to wash with, and very little to drink. Day by day she grew weaker and weaker, and gradually wasted away. At first she had, in the garret, a companion—her baby, a weak, miserable-looking little object. In the month of April it was taken by Patrick Staunton to Guy's Hospital, where it was left in an assumed name. On the day following the admittance of the child to the hospital, death cut short its wretched existence. The medical certificate described the cause of death as inanition. Apparently no notice of the circumstances was taken. Early on the following morning, the father went to the hospital, giving the name of Harris, and made arrangements for the funeral.

It was not long before the ill-fated Mrs. Staunton was in a dying condition. She came to be so weak that she could neither walk nor stand. The four prisoners put their heads together to decide what would be the safest course to pursue. Their minds were exercised in the solution of the problem as to how a medical certificate could be obtained. To have allowed the death to take place at Cudham, where inquiries would most probably have brought the truth to light, was of course out of the question; and Louis Staunton hit upon the expedient of taking lodgings at Penge, and of conveying thither his dying victim.

In the darkness of the night the unfortunate creature, who had but a short time to live, was conveyed to her new "home." An hour or two after her arrival she died

The next day a *post-mortem* examination took place. The woman had been murdered by deliberate starvation and studied neglect, and the result of the *post-mortem* was obvious. The medical evidence was truly horrible. It went to show that there was not a particle of fat upon the body, and that it was swarming with vermin. It was quite clear, as the doctors testified, that for weeks the deceased had not washed herself, and that for months she had not changed her garments. The doctor who had been called in to visit her on her arrival at Penge had not noticed these unsanitary conditions. This was not to be wondered at, for, on entering the room, he perceived at once that the poor creature was beyond all hope of recovery, and that his services would be of no avail. He accepted the story told him by the husband, namely, that she had not been long ill, that they had been living in a remote part of the country, where she had been under the care of the only medical man in the locality, the parish doctor, and that she had been removed to Penge by her sorrowing family, in order that she might receive more skilful aid. Believing, I say, this story, Dr. Longrigg gave a medical certificate. It was not until afterwards that, on carefully and deliberately turning the matter over in his mind, he came to the conclusion that something was wrong. But for the shrewdness of this medical man, indeed, the crime would, in all probability, never have been discovered.

Dr. Longrigg pursued a number of inquiries, withdrew his certificate of death, and communicated with the coroner.

As I have not the space to go at any length into details, it must suffice to say that an inquest was held, and that the four persons who shared the guilty secret were committed to take their trial for wilful murder. When the case came on, the defence set up by the counsel for the prisoners was that the cause of death was tubercular meningitis, and the medical witnesses were cross-examined at great length with a view to this contention being substantiated. Ultimately the jury returned a verdict of "Guilty" in each case, and the prisoners were all sentenced to death. The woman, however, was recommended to mercy. Mr. Justice Hawkins said that the recommendation would be forwarded to the proper quarter, but that he himself would neither hold out, nor discourage, hopes of mercy.

The verdicts occasioned a good deal of public interest, and a voluminous discussion as to the cause of death took place in the medical papers. Numerous petitions were presented to the Home Secretary, and it was not long before Alice Rhodes

received a pardon. The other prisoners were respited, and ultimately, in each case, the sentence of death was mitigated to one of penal servitude for life.

Anything more terrible than this murder can hardly be imagined. While the husband was, inch by inch, doing his wife to death in a miserable garret, he was, within a mile of the spot, living in adultery with the young woman Alice Rhodes. Four human creatures, two of them of the gentler sex, set themselves deliberately to murder, by the slow agonies of starvation, a miserable being who had never injured them, and whose only offence was that she stood in the way of the legalising of her husband's connection with his, perhaps, less guilty paramour.

On the Wednesday that the verdict was returned, the Court assembled at half-past ten in the morning, and, save for the brief intervals for refreshments, continued sitting until half-past nine at night. At that hour the jury retired. They returned into Court a few minutes past eleven. I was watching the prisoners as the jurymen took their places, and the scene was, indeed, a moving one.

Louis Staunton stands at the corner of the dock, to all appearances dazed. His vacant eyes are fixed upon one of the windows. In the centre of the dock sit Patrick Staunton and his wife. They are hand in hand, and apparently locked together. Alice Rhodes is in the further corner, with her head bent down. She does not look into the Court; apparently, like her paramour, she is stricken motionless with terror.

The foreman gives out the verdict in a voice choked with emotion. Moaning piteously, Alice Rhodes falls into the arms of the female gaoler, and is gently placed in a chair. Patrick Staunton is sustaining the body of his wife, and imploring her to be firm. She answers in a wild voice: "I will! I will!"

The Clerk of Arraigns calls upon them all to say why sentence of death should not be passed upon them. Patrick Staunton is grasping his wife's hand, and at the mention of the word "death," with a pitiful cry of "Oh, give me a chair," she sinks in a faint by the side of her sister. The sentence is passed, and before the solemn words are all uttered, Patrick has grasped the hand of Louis, who, pale as death, continues to gaze across the crowded Court into vacancy. He has neither word nor look for Alice Rhodes, who is seated unconscious in the corner.

The prostrate sisters are gently and tenderly removed; the two men are hurried down the stairs, and the scene is over.

CHAPTER XXXIX.

DE ME
FABULA NARRATUR.

My shooting near Burnham Beeches—A summons for trespass—Heated words with Sir Thomas Nelson—The case comes into Court—Dismissal of the summons—Sir Alexander Cockburn and his shooting party—Lord Westbury's innocent remarks.

BESIDES being fond of dogs, I was always of rather a sporting turn. I am a very bad shot. As a matter of fact I took to the gun late in life, and have never had much practice.

Some eight or ten years ago, my friend, Edward Lawson, rented from the executors of Mr. Morrison the house and shooting at Hall Barn, Beaconsfield. His tenancy was only for twelve months, his object being to see whether he liked the property sufficiently to purchase it. The next shooting, that of Dropmore Estate, which adjoins the celebrated Burnham Beeches, was to let. The owner, Captain Fortescue, offered it on a seven, fourteen, or a twenty-one years' lease. The shooting here, I learnt, was remarkably good, and as the place could be reached by rail from Paddington in half an hour, I thought it would exactly suit me, and accordingly took it.

Dropmore Estate had its drawbacks. In the first place, one had to take certain land and a farm with it. In the next place there was a little difficulty about the birds. The pheasants, which, as everybody knows, cost a good deal to rear, were in the habit of straying upon a neighbouring property know as East Burnham Common, which had once belonged, I believe, to Sir Henry Peek, and which was now in the hands of the Corporation of the City of London. The tenant who preceded me was Mr. Cox, the proprietor of *The Field* newspaper, and from him I learnt that the difficulty as to the roving pheasants had been met by an arrangement which carried with it a mutual concession. On the one hand, he, when shooting with his party, was permitted to walk over the common and drive back his birds; and, on the other hand, nothing was said if a pheasant or two were shot by the strangers to whom they had flown.

The informal arrangement was very well as far as it went but I, on taking possession, desired to place matters on a firmer footing, and, as I was intimately acquainted with the aldermen and officers of the Corporation, I naturally felt confident that I should receive generous treatment at their hands. Seeking out their principal officer, who was well known to me, I briefly laid the facts before him, and asked whether there would be any

objection to my enjoying the privilege of which my predecessor had spoken. The answer was: "Don't bother yourself about the matter; no permission is necessary so long as you and your friends merely confine yourselves to going on the ground and driving back the birds. It will be all right. You needn't give the matter another thought.

Soon after the shooting commenced, I invited a party of friends down for a day's sport. We had occasion to stray some fifty yards on to the common to beat the birds home, and a hen pheasant was shot by one of my party just on the boundary.

A week later, I had another batch of visitors down for a day's shooting. I had a pretty little cottage near the ground, and we repaired thither during the afternoon.

While we were all sitting at tea, I saw a policeman crossing the lawn. He came up and knocked at the door, and the next minute my servant entered and said that the constable desired to see me personally. "Show him in here," said I, little suspecting what was to follow.

When the policeman entered, I noticed that there was a very curious expression on his face.

"Very sorry, sir," said the officer, "but I have a summons against you for trespassing on the East Burnham Common last week. It's prosecuted by the Corporation of London."

I was never more astonished in all my life. My friends screamed with laughter.

Next morning I proceeded, in a towering passion, to the office of the City Solicitor, Mr. (afterwards Sir) Thomas Nelson, by whom I discovered the summons had been taken out. I found him seated at a desk, dictating to a shorthand clerk, whom, at my entrance, he directed to withdraw. It is true that there was rather a bumptious air about him; but I never doubted that, when I explained my errand, he would express regret for what had occurred. Not at all. Puffing himself out to such an extent that he closely resembled one of the City turtles—I mean one of those plethoric animals that you see in Mr. Painter's tank at the "Ship and Turtle"—he said:

"If you take my advice, you will immediately send to the Corporation of London an apology, which I will dictate, and the summons shall be withdrawn."

"Good God, sir!" was my reply, "I didn't come here for your advice;" and I proceeded in words to send him to a place which I will leave the reader to imagine. Suffice it to say that it was not the Guildhall, or Mansion House, or other abiding-place of the Corporation of London.

The solicitor into whose hands I placed the matter was my friend Mr. St. John Wontner, and it was arranged that Poland and Charles Mathews should represent me as counsel. I found I was to be prosecuted by another intimate friend—Houghton, of the South-Eastern Circuit. Poor fellow! he was very much cut up about it, and, before the case was heard, came to me and begged that I would come to some sort of terms. This I positively refused to do.

On the day in question, my two counsel and I journeyed by the Great Western to Beaconsfield. We breakfasted at Hall Barn with the lord of the Manor, Mr. Edward Lawson, who was, himself, one of the magistrates, but who, on account of our friendship, had declined to sit on this day. After breakfast, we proceeded to the Court-house, which was crowded. I found that the Bench was composed of my immediate neighbours, most of whom were sportsmen; and, oddly enough, a retired Queen's Counsel was the chairman.

Nelson did not himself appear. He had sent his managing clerk—a little, podgy, important person, not unlike himself—to represent him; and during Houghton's opening, this little man, no doubt acting upon the instructions he had received from his master, kept urging the learned counsel to "state the facts more strongly."

Before my unwilling adversary had got half-way through his opening, the Chairman interposed, and said that the Bench were rather surprised at the course pursued by the representative of the City of London; that he was quite sure the matter had originated in a mistake; and that he was equally sure Mr. Williams would in the future be most careful to avoid any property to which the Corporation could lay claim. He concluded by expressing the hope that the summons would be withdrawn.

The little attorney's clerk would not hear of the case being dropped, and compelled Houghton to proceed. Eventually, the summons was dismissed, and, I presume, the prisoner left the Court without a stain upon his character.

I do not think that, as a rule, successful barristers are equally successful sportsmen. They are certainly not, as a class, good shots, though I believe that Mr. Justice Smith—familiarly and fondly known to all the Bar as "A. L."—is an exception to the rule.

I remember rather a good story that is told of Sir Alexander Cockburn. He took a house and some shooting in the neighbourhood of Linfield, in Sussex, and among his guests at one

of his early shooting parties were Lord Westbury and his son, Dick Bethell. The late Chief had never seen them shoot, but had heard his lordship telling extraordinary stories of his success at the covert side.

After the first beat, Cockburn observed the two members of the Bethell family shooting rather wildly, and as, beside the pheasants, there was a good deal of ground game in the covert, he took the precaution, at the next beat, to give his head-keeper instructions to post them close together.

Presently, guns were discharged from the spot where Lord Westbury and his son had been posted, and it was seen that the keeper had been shot in the leg. Cockburn made his appearance from quite another part of the wood, but Lord Westbury, stepping forward, at once began to accuse his host of the delinquency, and to read him a lecture as to how careful one should be, and as to the folly and danger of commencing field-sports late in life. As for himself, he explained, he had been educated to them from his boyhood.

The Lord Chief Justice was a great deal too polite a host to make any reply to this. When, however, the party were proceeding to a neighbouring spinney—Lord Westbury and his son walking together behind—Cockburn, addressing the injured man and making a sign over his shoulder towards the two who were following, said: "Which of them shot you, Bacup?" "Which, Sir Alexander?" replied the keeper. "Both, d—— 'em!"

CHAPTER XL.

CATUS IDEM PER APERTUM FRUTICETO.

I am instructed to defend an old school-fellow—He is charged with shooting a man with intent to do him grievous bodily harm—I visit his country house—His amusing account of what took place—A burglar in the still-room—Setting a trap—Sport—A country magistrate, but ignorant of the law—The lenient jury—The appointment of Junior Counsel to the Treasury—A contrast—Poland and his tailor.

I WAS once engaged in an amusing case before the magistrates in Kent. I had two school-fellows at Eton who, though not related, were both named Phillips. One of them was nick named "Duck" Phillips, and he afterwards came to be well known in London society, when a colonel in the Guards. The other, who is the subject of my story, was known among the boys as "Alligator." As a man, he possessed a considerable

fortune, and owned a lot of landed property in Kent. He settled down there, married, and became a magistrate and county magnate.

I renewed my acquaintance with this old Etonian on being called upon to defend him. He was charged with shooting a man with intent to do him grievous bodily harm, and with the other legal intents usually alleged in such a charge.

The solicitor informed me that it would be advisable, before I appeared in Court, that I should view the premises where the alleged offence had been committed. He suggested that I should go down to my client's charming place in Kent, on the day preceding that on which the case was to be heard, and sleep there; and he handed me a letter from Mrs. Phillips, containing an invitation. I, however, had an engagement in town on the night in question, but I agreed to visit the house on the following morning, going down to Kent by a train that left London at about seven o'clock. The solicitor told me that he had given but a short outline of the circumstances in my brief, as it was advisable that I should hear all the facts from Mr. Phillips himself.

In due course I arrived at the house, and was received by the accused, who had been admitted to bail. He was dressed in a velveteen shooting jacket, cord knickerbockers, and gaiters, and did not by any means look the sort of person who was about to present himself to a bench of local justices. He was in excellent spirits, introduced me to his wife—a very charming lady—and said he was delighted to see me. As to the object of my visit, he roared with laughter when he mentioned it, and evidently looked upon the whole thing as a capital joke.

He related the facts of the case to me, and, amusing as they were in themselves, they were rendered all the more so by the manner in which he stated them. He stammered very much.

It appeared that one night, about a week previously, he had retired to bed shortly after his wife, at about eleven o'clock. When he had been asleep for an hour or two, he was roused by some one gently knocking at his bedroom door. On asking who was there, he found that it was his butler, who informed him that there was a burglar in the house. He had been in the still-room for some time, the butler thought, and apparently was amusing himself among the jams and the pickles.

"Stop a moment," said my friend to the butler; "don't move or make any noise for your life, while I get out of bed."

Stealing noiselessly from the room in his nightshirt, Mr. Phillips, it appeared, crept downstairs, caught up his double-

barrelled gun, loaded it, undid the street-door, and said, in his stammering whisper, to his butler:

"N-n-n-now you go round to the s-s-s-still-room d-d-door, make a d-d-d-devil of a row outside, and I'll go and h-h-hide myself in the front s-s-shrubbery, b-b-behind the b-b-bushes. He's sure to b-b-b-bolt from the s-s-still-room window, and I shall b-b-bag my game."

He interrupted his story at this point to take me to the still-room, point out the situation of the window, etc.; and then continued:

"The b-b-butler did as I desired him, and the r-r-result was as I anticipated. The window was opened and the b-b-body of a man emerged. He jumped from the w w-window and commenced to run for his life. Well, you know, my d-d-dear fellow, I was always a good sportsman. I gave him plenty of law, and l-l-l-let him get at the farthest r-r-r-range of s-s shot, then I b b-b-b-blazed away at him with both b-b-b-barrels, o-o-o-one after the other, expecting to see him fall; but I shot low and the g-g-g-game went on. I went back to the house, g-g-g got a light, searched the place, and followed the d-d-d drops of b-b-blood through the sh-sh-shrubbery, and there lost all trace of the b-b-b-beggar. I went back to bed, but the next morning the poor d-d-d-devil was found in a neighbouring thicket, more d-d-d-dead than alive; and then" (here he burst out in a flood of virtuous indignation) "they t-t-t-take me into custody for shooting him. This is a p p p-pretty republican country, if a m-m-man mayn't d-d defend his own property. Of course it's all d-d-d-d—— nonsense."

He must have seen from my countenance that I considered it the very reverse. I said:

"My dear fellow, you evidently don't understand the law of the land—and you a county magistrate too! Supposing you had reason to consider your life in danger, or your wife's, you would have a right to act in your defence with deadly weapons; but here there was no such danger. You actually sent your butler round to the door to frighten the thief, and then deliberately aimed at him with your gun as he was running away from the window. Where's the danger to you?"

Well, he seemed rather taken aback at this view of the law.

"But, my dear fellow," said he, "all the magistrates are my f-f-f-f-friends and neighbours."

"I really can't help that," I said. "They have a magistrate's clerk or legal assessor, and whatever their good wishes towards you, you will find indubitably that he will tell them

that they are bound to commit you for trial. I think we may get off the felonious intent, but there's no way to get rid of the charge of unlawfully wounding. Of course, when the trial comes on at Maidstone, if you wish me to defend you, I will do my best with the jury; but then there's the Judge to keep them straight, and that will be the difficulty."

The case came before the magistrates in the usual way, with the result that I had anticipated, namely, a committal to the Maidstone Assizes upon the charge of unlawfully wounding.

At the Assize, which was held in about a month, the jury took a more lenient view than could have been expected. The prisoner was a great favourite in the neighbourhood, and it transpired that both he and his wife had, since the unfortunate occurrence, behaved with the greatest kindness and liberality towards the injured man and his family. Without five minutes' deliberation, the jury returned a verdict of "Not Guilty."

Next year, I think, my client was pricked as High Sheriff for Kent, and duly served his term of office.

In the early part of 1879, Douglas Straight was appointed a Judge of the High Court of the North-Western Provinces of India, and, after being saturated with farewell banquets—at all of which I was present—he took his departure from these shores. The office of junior prosecuting Counsel to the Treasury was thus vacant, and my old friend, Sir John Holker, gave the appointment to me.

In those days the duties of the senior and junior were extremely onerous, though very lucrative. The gift was in the hands of the Attorney-General. I was the last man to hold the appointment under the old *régime*. The present Lord Chancellor, who thoroughly understands the working of the Criminal Courts, would never have dreamt of making a change, but it occurred to Sir Charles Russell, when he was Attorney-General, that it would be a good thing to divide the business, and to have four, instead of two, prosecuting counsel. The proposal was finally carried into effect by the present Attorney-General, Sir Richard Webster. I need hardly say that, had the present state of things existed in my time, I should never have applied for the post, for I could always command the defences, which, in a great many cases, paid very much better. It was at the time of which I am speaking that I became the subaltern to my dear old friend Poland. I don't suppose that there ever were two men so unlike one another—he, plodding, slow, unimpulsive, and most industrious; I—well, "know thyself" is a very difficult task to set one—but, at any rate, I was the re-

verse of Poland. I am afraid that sometimes, with my irritable temper, I let him have rather a bad time. When I was lying ill in 1886, in a private hospital, never expecting to pass from its portals, unable to speak or to move, I used to spend hours together thinking to myself, "I am afraid that I have behaved very badly to poor old Poland." Perhaps I exaggerated my own misdemeanours, for one of the first friends to come and see me—the very first, I think—was my old colleague, and no one sympathised with me more keenly than he did.

In business he always bore a satisfied air, and when I had been blowing him up sky-high for not getting on quickly enough (for time meant money to me), he used to rub his hands and say: "Never mind, old fellow, we always get on all right, and what's more, we seldom lose a verdict." He was quite right.

I cannot forbear to relate a very characteristic anecdote about Poland. He was very careless in his dress. He had a mind above that sort of thing, but his family hadn't, and times out of number his sister took him to task about his badly-fitting clothes, and begged him to go to a proper tailor. In any difficulty, Miss Poland was in the habit of seeking the advice of her brother-in-law, Mr. Underdown, Q.C., who, I may mention, had the misfortune to lose his first wife not long after his marriage. The interview Miss Poland had with Underdown in reference to her brother's attire was a very serious one, and it resulted in the latter promising to visit Poland on the subject at his chambers, 5, Paper Buildings. The visit was duly paid, and after a very animated conversation, Underdown succeeded in persuading my Treasury leader to accompany him to Poole's, in Savile Row, with a view to ordering a perfectly new outfit. Underdown was an old customer of the firm. On arriving at their premises he introduced his brother-in-law to one of the partners, and told him to be very particular about the fit. Having an appointment he then hurried away, leaving Poland to be measured.

In due time the new clothes were sent home. Very soon Underdown was again summoned by his sister-in-law to a private consultation. She was in terrible distress, and told him that, though the quality of the new clothes was very good, they fitted the wearer worse than the old ones. Upon learning this, Underdown repaired to Savile Row, interviewed the partner, and, having stated the object of his visit, asked, "What on earth does it mean?" The tailor replied: "It is not my fault, sir, I assure you. Every care was taken, as you desired,

but how could we fit a gentleman who would insist upon being measured sitting down?" Underdown did not know what to make of this, and at once proceeded to the Temple, to solve the mystery. On learning the object his visitor had in calling, Poland said, with the imperturbable manner peculiar to him: "Well, it's my business and not yours. I like to be comfortable. I spend three parts of my life sitting down, and I prefer to be measured so."

CHAPTER XLI.

PERMUTAT FORMAM NOCTE DIEQUE SUAM.

The trial of Charles Peace—His encounter with the constable Robinson—Cleverness of the prisoner—His appeal for mercy—The charge of murder—Extraordinary occurrence on the railway—The execution—Peace's address to the reporters—A remarkable record—The robberies in Lambeth, Greenwich, and Peckham—Peace's mode of living—His collection of musical instruments—Quiet recreation at home.

ONE of the last cases in which I appeared before my appointment as Junior Counsel to the Treasury was that of John Warne, *alias* Charles Peace, who was charged with shooting at John Robinson, a police constable, with intent to murder him. Poland and Straight appeared for the Treasury, while I and Austin Metcalfe defended. The Judge was Mr. Justice Hawkins.

It appeared that on the 10th of November, at about two in the morning, Robinson was in the avenue leading from St. John's Park to Blackheath. He observed a light in the back drawing-room of one of the houses, and, feeling that all was not right, sought the assistance of other constables. They surrounded the house, raised an alarm, and the next minute a man was seen to emerge from the dwelling and run down the garden. Robinson followed him.

It was a moonlight night, and the constable perceived that the fugitive had a revolver in his hand. The latter exclaimed: "Keep back! keep back, or, by God, I'll kill you!" The next minute he fired three shots from the revolver. The constable heard the shots whistling around his head as he made a rush at the man, who, firing again, cried: "I'll settle you this time." The bullet entered the constable's elbow. Undeterred by this, he closed with his assailant and a terrible struggle took place on the ground. The revolver, which was strapped around the burglar's wrist, was detached by the constable, and used by him as a weapon of defence. With it he struck the man several blows on the head.

The other police constables hurried to the spot, and Peace—for Peace it was—was taken into custody.

An examination of Robinson's clothes showed that two shots had passed through them without injuring him. The case against the prisoner was as clear as the sun at noonday, and he was convicted.

The jury expressed their admiration of the gallant conduct of the constable Robinson, and the Judge ordered that he should receive a reward of £20.

There never was such a record as was proved against the prisoner after his conviction. It appeared that he had been a most accomplished housebreaker tor many years.

According to the evidence of constables, this extraordinary man could assume any appearance that he chose. He could alter his countenance at will, and so successful were his disguises, that it was almost impossible to recognise him from day to day. His bearing in Court was very respectful and meek—so respectful and so meek, indeed, that it was almost impossible to imagine that he could be the murderous creature pictured by the constables.

Upon hearing the verdict of the jury, Peace completely broke down, and his bearing upon the occasion in question was far from suggestive of the man of courage he most certainly was.

When asked if he had anything to say why sentence should not be passed upon him, he made a most passionate appeal to the Judge. In a whining tone, with tears in his eyes, and almost grovelling on the floor, he said:

"Yes; I have this to say, my lord—I have not been fairly dealt with, and I declare before God that I never had any intention to kill the prosecutor. All I meant to do was to frighten him in order that I might get away. If I had had the intention to kill him I could easily have done it, but I never had that intention. I declare I did not shoot five shots—I only fired four; and I think I can show you, my lord, how I can prove that only four shots were fired. If your lordship will look at the pistol, your lordship will see that it goes off very easily, and the sixth barrel went off of its own accord after I was taken into custody. At the time the fifth shot was fired the constable had hold of me, and the pistol went off quite by accident. I really did not know that the pistol was loaded, and I hope, my lord, that you will have mercy upon me. I know that I am base and bad. Nay, I feel that I am that base and bad that I am neither fit to live nor die, for I have disgraced myself, I have disgraced my friends and I am not

fit to live among mankind. I am not fit to meet my God, for I am not prepared to do so. So, oh, my lord, I know I am base and bad to the uttermost; but I know at the same time they have painted my case blacker than it really is. I hope you will take all this into consideration, and not pass upon me a sentence of imprisonment which will be the means of causing me to die in prison, where it is very possible I shall not have a chance, amongst my associates, to prepare myself to meet my God, that I hope I shall meet. So, my lord, do have mercy upon me. I beseech you give me a chance, my lord, to regain my freedom, and you shall not, with the help of my God, have any cause to repent passing a merciful sentence upon me. Oh, my lord, you yourself do expect mercy from the hands of your great and merciful God. Oh, my lord, do have mercy upon me, a most wretched, miserable man; a man that am not fit to die. I am not fit to live, but with the help of my God I will try to become a good man, I will try to become a man that will be able in the last day to meet my God, my Great Judge, to meet Him and to receive the great reward at His hands for my true repentance. So, oh, my lord, have mercy upon me, I pray and beseech you. I will say no more; but, oh, my lord, have mercy upon me; my lord, have mercy upon me."

This harangue seemed to have an effect upon everybody in Court except the man to whom it was addressed. It was a great treat to watch the face of Mr. Justice Hawkins during the speech. When it was over, his lordship, without any sort of comment, promptly sentenced the delinquent to penal servitude for life.

This trial took place, I think, in the last month of 1878. On the 21st of January, 1879, Peace was removed from Pentonville to Sheffield, where he was charged with murdering a gentleman named Dyson, a civil engineer, who met his death in 1876.

The culprit travelled to Yorkshire in a Great Northern newspaper train. At Peterborough, one of the stations at which the train stopped, he was permitted to alight for a few minutes. The result of his being allowed this little license was that he became very obstreperous; and the two warders who accompanied him had great difficulty in getting him back into the carriage. It is related that, after the train left Peterborough, the conduct of Peace became positively disgusting, and that he behaved more like a wild beast than a human being.

When the train, running at between forty and fifty miles an hour, was about midway between Shireoaks and Kiveton Park

—two stations not far from Sheffield—Peace asked that the window of the carriage might be opened. The warders, little dreaming what was to follow, at once complied with this not unreasonable demand.

The next minute, a deed of extraordinary daring and recklessness was performed. Peace jumped clean through the open window. One of the warders, instantly alert, sprang forward and was just in time to seize his left foot; and there he hung from the window of the train, head downwards. The second warder turned his attention to the communication cord, but it was out of order. He then commenced to shout for the train to be stopped. The noise attracted the attention of the other passengers, who thrust their heads out of the carriage windows, and, when they saw what had happened, commenced, themselves, to shout. Presently Peace, in his frantic struggles, managed to extricate his foot from his boot, when, striking his head against the foot-board, he fell on to the line.

The shouts of the warders and passengers at last, after the train had run a mile or two further on, attracted the attention of the engine-driver, and he brought the train to a standstill.

The greatest excitement prevailed among the passengers. It was well known that Peace was intimately acquainted with that part of the country, having plied his unlawful calling there for many years, and the fear was entertained that he might have made good his escape.

Accompanied by several passengers, the warders trudged back, along the snow-covered permanent way, to the spot where the convict had fallen. The train, meanwhile, sped on its journey, carrying with it the intelligence of Peace's latest escapade. The news was the more sensational from its incompleteness, and, needless to say, the people of Sheffield anxiously awaited the sequel of the strange story.

Peace was discovered lying insensible on the line. The snow around his body was crimson with blood, which had flowed from a severe wound in his head.

In a little while the convict recovered consciousness, and said: "I am cold; cover me up." He was wrapped up in rugs, and a slow train coming up at that moment, he was placed in the guard's van, and taken on to Sheffield.

When he arrived at his destination, Peace was so exhausted that the services of four men were required to carry him to his cell. At first he was unable to take any stimulants, but his condition gradually mended, and, during that afternoon and evening, he made considerable progress towards recovery.

Various magisterial inquiries having taken place, Peace was, on the 4th of February, tried at the Leeds Assizes before Mr. Justice (now Lord Justice) Lopes. Mr. Campbell Forster, Q.C., and Mr. Hugh Shield prosecuted on behalf of the Crown, while Mr. Lockwood and Mr. Stuart-Wortley (the present Under-Secretary for the Home Department) defended the accused.

The principal witness for the prosecution was Mrs. Dyson, the widow of the murdered man.

Peace was found guilty. The Judge asked him if he had anything to say, and, no doubt bearing in mind his recent experience at the Old Bailey, he mumbled: "It's no use my saying anything;" and he was right. Mr. Justice Lopes passed sentence of death upon him in due form.

The notorious culprit was executed at Armley Gaol, Leeds, on the 25th of February.

On the preceding Wednesday, he confessed to the clergyman who attended him that he had murdered a Manchester policeman in 1879 (for which offence an innocent man had been sent to penal servitude for life). He also confessed to the murder of Mr. Dyson.

The execution was a public one. As the procession moved towards the scaffold, Peace appeared to be occupied in fervent prayer with the clergyman at his side. His devotions over, he turned to the members of the Press who were present, and said:

"Gentlemen, you reporters, I wish you to notice the few words I am going to say. You know that my life has been base and bad. I wish you to tell the world what my death is. I ask—what man could die as I die if he did not die in the fear of the Lord? Gentlemen, tell all my friends that I feel assured that my sins are forgiven me, and that I am going to the Kingdom of Heaven, or else to that place where people rest till the great judgment day. I have no enemies that I feel anything against on earth. I wish that all my enemies would do so to me. I wish them well; I wish them to come to the Kingdom of Heaven, to die as I die. To one and all I say good-bye, and Heaven bless you, and may you come to the Kingdom of Heaven at the last. Say my last wishes and my last respects are to my dear children and their dear mother. I hope that no person will disgrace himself by taunting them or jeering them on my account, but will have mercy upon them. God bless you, my dear children; good-bye, and Heaven bless you. Amen."

It was not long before full particulars of Peace's career came to light. It appears that, after murdering Mr. Dyson, he went

to Hull, and there broke into a gentleman's house, making off with a quantity of plate and valuable jewellery. He then went and lived with a near relative at Nottingham. After breaking into a warehouse in the neighbourhood and stealing, among other things, a large assortment of silk goods, he moved about the Midland counties, committing daring robberies almost wherever he went.

Some four or five months after the murder, Peace came to London, and took up his abode in Lambeth. He pursued his calling there with a vengeance. Scarcely a night passed but he broke into a house, and these repeated depredations gave rise to the greatest excitement and indignation in the locality. The police did not know what on earth to do. All their efforts to trace the offender were in vain. In a little while, the inhabitants of Lambeth came to the conclusion that there was a gang of daring robbers in their midst, and it was surmised that the gang must be amassing great riches.

Lambeth at length grew too warm for Peace, and he shifted his residence to Greenwich, where he took a very handsome house, which he furnished in the most lavish manner.

Among his new neighbours, Peace passed as a gentleman of independent means, and he was looked up to as a man who had done well in the world. In a little while Greenwich became as notorious for burglaries as Lambeth had been. Night after night, the houses of leading residents were broken open, large quantities of plate, jewellery, and other valuables being extracted. It was supposed here, as at Lambeth, that a gang was at work, and people marvelled at the judgment of the members thereof; for, whenever a house was broken into, it was always the articles of real value that were taken—the cheap plate and the imitation diamonds being left behind. The public became indignant, blamed the police, and wrote letters to the papers. But it was all in vain.

In due time Peace resolved that it would be advisable for him once more to change his place of abode. As a result of his enterprise during the past six months, he was a wealthy man; and he decided to take an even better house, and one about which there was even a greater air of respectability, than the last. He went house-hunting in Peckham, and succeeded in finding a residence there to his liking. He already had one housekeeper, and, thinking that she might be lonely, he now engaged a second. The furniture that he had used at Greenwich not quite meeting his fastidious requirements, he bought fresh, and equipped his house almost as though it were the

abode of a nobleman. In the drawing room, for instance, was a suite of walnut that must have cost some sixty guineas, a rich Turkey carpet, and several magnificent mirrors. Upon his bijou piano lay an elaborately inlaid Spanish guitar, worth about thirty guineas, and which, by-the-bye, he was said to have stolen from a countess. The entire house was a model of comfort. Peace even indulged in the luxury of prettily-beaded slippers.

Of course "the gang of daring robbers" now busied themselves in Peckham. Great activity was manifested by the police, but all in vain.

It is recorded of Charles Peace, that he "always loved a bit of music, and that in his less prosperous days he bought a wooden canary which could sing a song."

It was a constant subject of remark among the residents of Peckham that their fine old fiddles were stolen along with their plate and jewellery. Peace's collection of musical instruments grew to be a very fine one. In a little while, indeed, it attained such dimensions that he was forced to ask a neighbour to be so good as to house a portion of it for him. "As," to quote from a contemporary record, "he never played anything but sacred music, this request was at once granted."

As previously stated, it was on the 9th of October that Peace broke into the house at Blackheath, shot the policeman Robinson, and was arrested. It subsequently transpired that, before he started for Blackheath, he had a little musical evening at home. He played the violin, one of his housekeepers sang, and the other accompanied them on the piano.

CHAPTER XLII.

ADSUM QUI FECI.

Experts in handwriting—Sir F. W. Truscott charged with libel—The prosecutor's statement—The post-card—Evidence of Chabot and Nethercliffe—Positive testimony—Turning the tables—Mr. T. F. Smith's evidence—Corroboration by his father—Mr. Alderman Nottage goes into the box—Collapse of the case.

I NEVER was much of a believer in experts in handwriting. I have examined, and more frequently cross-examined, Chabot, Nethercliffe, and all the experts of the day, and have nearly always caught them tripping. In fact, in my opinion they are utterly unreliable.

I was counsel in a case that took place at the Old Bailey on the 17th and 18th of September, 1879, which thoroughly con-

firmed me in the opinion I have just expressed. Sir Francis Wyatt Truscott, who had been Sheriff of Middlesex, and had served his year of office as Lord Mayor, was charged with publishing a libel concerning John Kearns. Messrs. Poland and Grain conducted the prosecution, while Sir John Holker, I, and Horace Avory represented the accused. The alleged libel was contained on a post-card. The prosecutor was accused of committing a criminal offence, and the post-card concluded with these words: "Excuse an old friend mentioning this to you to put you on your guard, but you are being watched by the police."

The prosecutor stated that he lived at Edmonton, and that he had formerly been a wharfinger in Upper Thames Street. He added that he had been a member of the Common Council, and that the defendant had sat in the same Court with him for years. A most intimate friendship had, he said, existed between them. He was thoroughly well acquainted with the defendant's handwriting, and was most positive that Sir Francis had written the post-card in question. He applied for a summons against the defendant at the Guildhall, and Mr. Alderman Cotton, who presided, had refused to give it. He had subsequently applied at the same place when Sir Robert Carden was presiding, but with a similar result. The prosecutor further informed the Court that there had been litigation between himself, the defendant, and a lady of the name of Smith, who was the proprietress of the house where he lived at Edmonton.

The lady in question (who was stated to have filed two suits against Sir Francis in Chancery) was called as a witness, and also positively swore that the handwriting upon the post-card was that of the defendant. She said that she had recognised it as his the instant it was shown to her—that she had frequently seen him write, and that she had received numerous letters from him.

Charles Chabot was then called. He stated that for many years he had been engaged in examining handwriting, and that he carried on business at 27, Red Lion Square. He said he had made handwriting a careful study, and that, in consequence, he had frequently been a witness in important trials, and had been employed by the Government and other large bodies. He had compared a number of letters undoubtedly written by the defendant, with the post-card, and he said he was prepared to swear that in each case the writer was one and the same person. A flourish that appeared on the post-card and a flourish that was attached to the signature in all the letters were, he declared,

unmistakably identical. There were other similarities to which he drew attention, and he sought, and obtained, permission to quit the witness-box, and point out those similarities, one by one, to the jury. This witness was severely cross-examined by Sir John Holker, but, apparently, was in no way shaken.

Frederick George Nethercliffe was then called. He stated that he had made handwriting a study during more than thirty years, that he had frequently appeared professionally in the witness-box, and that, after minutely comparing the letters with the post-card, he had independently come to the conclusion that the writer in both cases was the same. He produced a most elaborately-written report, calling attention to the various similarities existing between the handwriting on the different documents, and, on being cross-examined, he adhered absolutely to the position he had taken up.

We knew that they were all entirely wrong, and that we had a complete answer in store. Sir John asked permission of the presiding Judge, Mr. Justice Manisty, to call his witnesses first, and, if necessary, address the jury afterwards. I then called Mr. Thomas Flight Smith, who stated that he was a member of the firm of Smith, Son, & Co., wholesale stationers, of Queen Street, City. He said that he was acquainted with both the prosecutor and the defendant. He knew they had been on terms of friendship, and that that friendship had now ceased. I asked him to take the post-card in his hand and read it. He did so, and, upon being questioned as to whose handwriting appeared thereon, he said: "I wrote the post-card. It is my own writing. I was not actuated by any malicious motives towards Mr. Kearns in writing it. I was abroad when I heard that this charge had been made against Sir Francis. I read of the matter in the newspapers, and my first idea was to write to Sir Francis Truscott and acknowledge that I did it; but I wrote to my father, instead, and I subsequently, at the request of Mr. Crawford, Sir Francis' solicitor, made an affidavit before Mr. Justice Stephen at chambers, in which I swore that the handwriting was mine. Sir Francis had nothing whatever to do with it. He was not aware in any way that I had written it."

The father, Thomas John Smith, was then put in the box. He stated that the post-card was in the handwriting, not of the defendant, but of his own son. To prove what he said, he produced for comparison three other post-cards in his son's handwriting.

Mr. Alderman George Swan Nottage was examined as a

witness, and he stated that he knew Sir Francis and Mr. Thomas Flight Smith intimately; that, having received many letters from both, he was acquainted with their respective handwriting, and that the post-card was undoubtedly written, not by Sir Francis, but by Mr. Smith.

The jury stated that they did not wish to hear any further evidence, and proceeded at once to pronounce a verdict of "Not Guilty."

So much for the evidence of experts in handwriting.

CHAPTER XLIII.

FALLACIS SEMITA VITÆ.

Trial of Hannah Dobbs—Habits of the deceased—Evidence of the Bastindoffs—A blood-stain on the carpet—The cash-box, the book of dreams, and the jewellery—Finding the body in the cellar—The relationship between Hannah Dobbs and her master—Bastindoff prosecuted for perjury—The evidence against him—An altered beard—The defence—Verdict and sentence.

On the 2nd and 3rd of July, 1879, a somewhat extraordinary trial for murder took place in the new Court of the Old Bailey, before Mr. Justice Hawkins. I did not appear in it myself, but as I was counsel in a case at the end of the year arising out of this one, I must briefly review the evidence, in order to place the complete story before the reader.

Hannah Dobbs, a girl twenty-four years of age, was indicted for the wilful murder of Matilda Hacker, *alias* Huish, an unmarried lady sixty-six years of age. The case, which was entirely one of circumstantial evidence, occupied the Court two days.

Upon the 9th of May, a decomposed body, subsequently identified as that of Miss Hacker, was found in a cellar at 4, Euston Square, under circumstances which clearly indicated that she had been murdered.

Miss Hacker was an eccentric old spinster, of Canterbury, which borough she left in consequence of a quarrel she had with the rating authorities there.

She moved from spot to spot and passed under different names, being fearful, it would seem, that she would be traced, recognised, and made answerable for the liabilities she had incurred. After living in a number of houses, she took lodgings, in the name of Huish, at 4, Euston Square. The proprietors of that house were a Mr. and Mrs. Bastindoff, who, I may mention, were the leading witnesses for the prosecution.

It was proved by relatives of the deceased that she was a woman of means, and evidence was given to the effect that it was her invariable custom to keep a large stock of ready money by her in a cash-box.

It was believed that the murder took place on the 14th of October, 1878. There was no doubt whatever that she was alive on the 10th October, for, on that day, she communicated with her agent respecting some house property she possessed, directing him to reply to "M. B.," at the Post Office, Holborn. It appeared beyond all doubt that, on the 14th, which was a Sunday, Miss Hacker and the servant, Hannah Dobbs, were alone in the house. On the following day, Bastindoff, the landlord, ordered Dobbs to go up to the old lady and get some rent which was due from her. According to Bastindoff's evidence, the accused ran past him saying, "I'll go," and presently returned with a five-pound note. It was changed, and the amount of the rent having been deducted, the balance was handed to Dobbs. Mrs. Bastindoff stated in the witness-box that, on the morning of the 14th, Dobbs told her she thought Miss Hacker was going to leave her lodgings that day, and that she believed she had actually done so. According to the evidence of the Bastindoffs, they took little notice of the disappearance of the old lady, and did not even trouble themselves to go up into her rooms until two days afterwards, when it was necessary to prepare for the arrival of another lodger. Mrs. Bastindoff stated that, when she did go into the room, she saw on the carpet a large stain, which, as an analysis subsequently showed, was a stain of blood. There was, she said, unmistakable evidence that an attempt had been made to wash out the discoloration. It was proved that, shortly after the old lady's disappearance, Hannah Dobbs showed one of the children a book of dreams, which she stated had belonged to Miss Hacker. She gave to another child, as a plaything, the old lady's cash-box, the lid of which had been broken. Hannah Dobbs was also noticed to be wearing a watch and chain that had never been seen in her possession before. She explained away the circumstance by saying that an uncle of hers having recently died at Bideford, she had inherited from him a little property, including the watch and chain and some rings she was wearing. The watch and chain were subsequently pawned by her in a false name, and it was afterwards proved that they had belonged to Miss Hacker.

Soon after the disappearance of the old lady, Hannah Dobbs left the house in Euston Square, and took lodgings with

a Mrs. Wright. Being unable to pay her rent, she left her box in pawn, and it was discovered that, among the things contained in that box, were several articles that were identified as having been the property of Miss Hacker. Inquiries showed that the story told by the accused as to the death of her uncle at Bideford was completely a fable.

On the 9th of May, 1879, at Bastindoff's request, the cellar at the house in Euston Square was cleared out, so that one of the lodgers might use it for the storage of coal, and it was during the process that the corpse was discovered there. The identification of the body—which was found with a rope round the head—as that of Miss Hacker was complete. The height, the colour of the hair, the deformity of the spine, and other circumstances, left no doubt upon the point. One or two articles of jewellery were found close to the body, and they were identified as having belonged to the unfortunate old woman.

The evidence against the accused was, as I have shown, tolerably strong. The defence relied upon the improbability of a woman twenty-four years of age being able, unassisted, to commit the murder in the short time that could have been at her disposal; to remove the body, which was a heavy one, to the cellar; and to obliterate all traces of the deed. A great deal also was made of the improbability of the Bastindoffs having lost their lady lodger in so sudden and mysterious a manner without their suspicions being aroused that foul play had been resorted to. Counsel for the accused dwelt upon the fact that there was not a particle of direct evidence to show that she committed the murder, or that she was even aware of its commission.

The Bastindoffs were most unsatisfactory witnesses. In answer to questions put to Severin Bastindoff by the counsel for Hannah Dobbs (questions no doubt which she instructed him to put), he said that there never had been any immoral intercourse between himself and his servant, that he did not make her acquaintance before she entered their service, and that it was not at his instigation that his wife engaged her. I mention these facts because they were of considerable importance in relation to the second trial, with which I was myself concerned.

After Mr. Justice Hawkins had elaborately and patiently summed up, the jury came to the conclusion, in which I think they were fairly justified, that, though the greatest suspicion must rest upon the accused, the case against her was not

proved beyond all doubt. There was, indeed, an entire absence of legal proof of the guilt of Hannah Dobbs, and in acquitting her, the jury only acted in accordance with the exigencies of the law as administered in this country. Thus, this murder remained undiscovered, and I may mention as a remarkable circumstance—and as a remarkably unsatisfactory circumstance—that it was one of three committed within an area of a quarter of a mile, of which the authors had not been apprehended. The others took place, one in Great Coram Street, and the other in Burton Crescent.

The prosecuting counsel in this case were the Attorney-General (Sir John Holker), Mr. Gorst, Q.C., and Mr. A. L. Smith (now one of Her Majesty's Judges); while the prisoner was defended by Mr. Mead.

As so often happens in cases of this sort, the prisoner was, on being discharged, straightway made a heroine by the eccentric portion of the British public. Among those who took her by the hand was a gentleman of the name of Purkiss, the proprietor of *The Police News*, and very soon a pamphlet emanated from the office of that journal, purporting to contain an account of the career of Hannah Dobbs. The publication gave her version of the murder of Miss Hacker in Euston Square, and of the alleged immoralities that had taken place, both before and after she entered service there, between herself and her master, Severin Bastindoff. Attention being drawn to the pamphlet, Bastindoff instructed his solicitors to apply to the High Court for an injunction to prevent its further publication. In an affidavit, he denied the allegations as to his intimacy with Dobbs; and upon the affidavit being filed, an action for libel was instituted against the publisher. A summons was then taken out against Bastindoff for perjury, and he was brought up before the magistrate, and committed for trial.

The charge against Bastindoff was heard in the identical court in which Hannah Dobbs had been tried, and the same Judge presided in the two cases. The trial occupied four days. I, with Mr. E. Thomas and Mr. Cavendish-Bentinck, appeared for the prosecution; the prisoner being defended by Mr. Powell, Q.C., Mr. Poland, and Mr. Sims. The principal witness against the accused was, of course, Hannah Dobbs herself, who, I may mention, so far as dress was concerned, cut a much better figure on this occasion than at her own trial.

The pivot on which the case turned was Hannah Dobbs' account of her intimacy with the prisoner. She swore that that intimacy commenced in the autumn of 1877, when she

was a servant in a house in Torrington Square. She said: "It was at Mrs. Pearce's, 42, Torrington Square, that I first met Mr. Severin Bastindoff. He spoke to me and to another servant while we were cleaning windows, and in consequence of that conversation, he and I went out together that night, or a night or two afterwards, and from that time until I entered his service, we frequently went out together. The relationship was kept up during the time I was an inmate of his house."

Those who had been her fellow-servants were called, and gave corroborative evidence. A Mrs. Carpenter was also put into the box, and she swore that, upon a particular day in August, 1877, Dobbs and Bastindoff passed the night together at her inn at Redhill. This woman, who gave her evidence with marvellous intelligence, and, apparently, with perfect truth, was the witness most antagonistic to the accused.

In her cross-examination, Hannah Dobbs was forced to admit that she had once been tried and convicted for theft. The story of her whole life, indeed, as revealed during her cross-examination, was such as to draw from the presiding Judge the remark that she was a "most infamous person." This much was certain, she was remarkably clear-headed and clever, for a most searching and ingenious cross-examination, lasting nearly a whole day, failed to shake her in the smallest particular. Two of the servants who corroborated her story were Selina Knight and Clara Green. One of the incidents they described undoubtedly had, *primâ facie*, the stamp of truth upon it. One night, it appeared, when Dobbs had promised to meet Bastindoff, she and her two fellow-servants fell asleep before the fire, carelessly leaving the area door wide open, a circumstance that attracted the attention of two vigilant policemen, who entered, woke the girls up, and stayed to take coffee with them. In reference to their evidence against Bastindoff, the question arose, could they have been mistaken in his identity? Bastindoff was pointed out to them in Court, and they swore that he was the man, but added that his appearance was somewhat altered. Explaining that the alteration was in his beard, they minutely described the appearance which that facial adornment had presented at the time of his intimacy with Hannah Dobbs. His lordship at once gave instructions that an old business partner of the accused, who had already given evidence, should be recalled; and, sure enough, this gentleman, on being questioned on the point, gave a description of how Bastindoff had previously worn his beard that fully confirmed the statement of the servant girls.

The defence in this case always struck me as being rather a clumsy one. The theory of it was—and evidence was called in support of that theory—that at the time Severin Bastindoff was said to have been with Hannah Dobbs, he was elsewhere, and that the man who was with Dobbs was his brother Peter, who was very like him in appearance. The principal witness in support of the theory for the defence was Bastindoff's mother-in-law. Evidence was called to prove that, on the day on which Severin Bastindoff was alleged to have been with Dobbs at Redhill, he was with a fishing party in quite another district. These witnesses, when cross-examined by me, declared that Peter Bastindoff also made one of the fishing party. This statement, of course, rather upset the theory of the defence and, naturally, in my reply to the jury, I made a strong point of this admission, and of the fact that Peter Bastindoff was not put into the witness-box.

When Mr. Justice Hawkins had charged the jury, and completely exhausted the evidence on both sides, a verdict of "Guilty" was returned, and the prisoner was sentenced to twelve months' hard labour.

CHAPTER XLIV.

CREDAT JUDÆUS APELLA,
NON EGO.

Pleading and preaching—Mr. Waddy, M.P., and Mr. Lockwood, Q.C.—Turning the tables—Mr. Willis, Q.C.—A case in which I acted as his junior—Holding the Court in a public-house—Mr. Willis converses with "Mary"—A discomfiting answer—A case at Cardiff—Misplaced confidence—The Jewish pawnbroker and money-lender—The Lord Chief Justice's summing up—Some points for the jury to consider—An astonished counsel.

PLEADING and preaching are, it must be admitted, a strange combination. That combination exists, however, at the present time in more than one instance. Three of my learned friends are members of different Dissenting denominations, and are frequently in the habit of officiating in chapel.

One of the three is Mr. Samuel Danks Waddy, a Member of Parliament for a Lincolnshire division. He is a determined Separatist and a violent Radical—in fact, a perspiring politician. Rather a good story is related of him and of Mr. Lockwood, Q.C., both of whom are members of the North-Eastern Circuit. At one of the assize towns it came to Lockwood's knowledge that, on the following Sunday, Brother Waddy was to officiate

in a chapel. Lockwood at once resolved to attend the service with two or three fellow barristers, in order that his learned friend might have a surprise. It so fell out that Waddy was able to turn the tables on them most cleverly. Arriving at the chapel, they took up their positions immediately underneath the pulpit, and well within the vision of its occupant. It was the custom for the officiating minister, before he commenced his discourse, to nominate one of the congregation to give out and lead a hymn. Waddy, without moving a muscle of his face, pointed towards the tall, stalwart form of Lockwood, and said: "Brethren, Brother Lockwood will give out and lead our hymn." I need scarcely say that, upon this, my dear friend Lockwood, and his associates, beat a hasty retreat.

My second example of a man who is both a barrister and a parson is my excellent friend, William Willis, Q.C., who is, I think, associated with the Baptists. A more cheery companion than Willis never lived, and of all the voluble men I have encountered in the course of my career, he is the most voluble. No matter what subject he is speaking on, he never seems to be exhausted. His description of how, on many occasions, he has wrestled with the devil to conquer sin, is so graphic that, whenever he favours you with it, you almost seem to see the combat before your eyes.

I remember a journey Willis and I once took a short way out of London in connection with a case tried before some local magistrates. I fancy the place was in Hertfordshire, but its name firmly impressed itself upon my memory owing to its peculiarity. It was Much Hadham.

The case was a singular one. The defendant was a man who, as an agriculturist, had made a very considerable fortune; and he was charged by the Lea Conservancy with washing his sheep in that river after they had been rubbed over with a certain noxious compound, and with thereby polluting the stream. Poland was counsel for the prosecution, and Willis (with me as his junior) appeared for the defendant. Willis was not so well acquainted with cases of this description as I was, and so I availed myself of the opportunity afforded by the railway journey to impress upon him the necessity of our getting the best of the terms if a settlement were suggested, and to warn him not to be cajoled by that old soldier, Poland.

The Court sat in a little country public-house, in a low-roofed room with a sanded floor. Upon the case being called on, the Chairman stated that he would adjourn it for a short time in order to allow the parties to see if they could not come

to an understanding. It was a beautiful sunshiny day, and Willis and Poland walked out of the public-house together, to talk over matters in the open air. I thought it prudent to follow them, and see what took place. It was most amusing to watch little Willis first argue with our opponent, then run up to exchange a word with the fat proprietor of the sheep, and then bustle up to me to discuss the terms of a proposed compromise. As the result of three-quarters of an hour's haggling, a settlement was arrived at.

Poland at once started back for town; but Willis and I hired a trap to take a drive and enjoy the beautiful weather.

We pulled up at a little country town some five miles away, and entered an inn to procure some lunch. In the coffee-room we were met by a smart-looking country girl, and my voluble friend at once addressed her in these terms:

"Well, Mary, and how are you, Mary—beautiful morning? Isn't it a pleasure to live and to thank your Maker for such a morning as this? Mary, I very often hear people complain about the weather—most unreasonable, eh, Mary? Every day is beautiful, each morning one of grace. Now, Mary, what have you got to eat?—this" (pointing to me) "is a celebrated gentleman down from London—you will give him the best of fare. Cold beef do you say, Mary? Very well, we will have the cold beef—pickles, you know, Mary, and, above all, salad—can't get these kind of things in smoky London you know, Mary—only in the country, the beautiful country!" And so he went on and on, until the girl left the room bursting with laughter. We sat down to a most enjoyable meal, and when it was over, and while we were waiting for the bill, Willis exclaimed: "I say, Montagu, that's a very nice girl. I think we'll give her half-a-crown between us. What do you say?" "By all means," said I, "give her what you like. You pay the bill, and I'll settle with you afterwards."

When the girl came in he began again, as follows: "Mary, you're a very nice little creature, that's what you are, Mary. I, and my distinguished friend here, have come to that conclusion. There, Mary, that's for the bill, and there's half-a-crown for yourself. Now, Mary, a nice girl like you won't spend half-a-crown in frivolity—you will take my advice and go out this evening, when you've discharged your duties, of course, and you will buy some bonnet-ribbons, Mary, and you will put them on on Sunday when you go with your young man to church, chapel, or meeting-house—that's my advice, Mary; will you follow it?"

"Yes, sir," said Mary, "that is, I'll go out to-night and buy the ribbons, and wear them on Sunday when I go out with my young man; but I won't go to church or meeting-house, sir;" at which my companion left the coffee-room somewhat hastily, and we departed.

The third instance of a barrister who is also a minister, is a man whose name, on account of the story I am about to relate, I shall not disclose. It happened, I think, in 1880, that I had a special retainer to go to Cardiff, on the Welsh Circuit. I had to defend a man for fraudulent bankruptcy, and, as my defence was to be of a purely technical character, I did not anticipate that it would occupy a very long time. This being so, I communicated with my junior, who, of course, was a member of the Circuit, and requested him to make arrangements with the Chief Justice in order that the case might be taken on a specified day. He did so, and it was arranged that it should be heard on a Wednesday. I left London on the Tuesday evening, and travelled down by a train that arrived at Cardiff at a little before eleven. On reaching the hotel where my clerk had secured rooms for me, I was met, not only by my junior, but by the learned counsel who is the subject of this anecdote. He said:

"I am afraid you will be a little disappointed, my dear fellow, about your case coming on to-morrow morning. It won't, and I thought I'd let you know beforehand, so that you need not disturb yourself so early in the morning. It has been the Judge's dinner to-night" (it is a custom on Circuit for the Judges to entertain the Bar at dinner once or twice), "and I had a conversation with the Chief Justice about you before leaving. The fact is, I have been engaged all day before him in a case against a Jewish pawnbroker of Swansea. It is a somewhat remarkable one, and it occupied all day yesterday. Late to-night, just before dinner-time, the jury, not being able to agree, were discharged without their returning a verdict. His lordship told me that he had promised to take your case the first to-morrow, but he said that it would be impossible to do so now, for, as all the witnesses in my case came from Swansea, and ought to be sent back as soon as possible, he must not adjourn it. But it's all right, my dear fellow, we can't last long. His lordship has given me to understand that, the jury having disagreed once, I need not trouble myself much about it."

"What!" I said, "he told you that in so many words?"

"No," he replied, "not exactly, but he conveyed it in his manner."

"Oh," said I, "that's quite a different thing. I shouldn't advise you to go upon that, and for goodness' sake don't consider me in the matter. If I must stay, I must. Cross-examine your witnesses just the same—in point of fact, if I were you, after what you've told me, I shouldn't leave a stone unturned."

"Oh, my dear fellow," he said, in his simple-minded way, "you are quite mistaken. I am sure there is no necessity for that."

"Well, good night," I said, "you will see;" and I resolved, though I knew I should not be wanted in my own case, to go into Court early next morning to watch the fortunes of my learned friend. I did so, and was rewarded for my pains.

The evidence was given as shortly as it could be. My learned friend did not cross-examine much, and did not labour to any extent with the jury. The charge was that of receiving two lots of gold watches on two separate days, with the knowledge that they had been stolen. Certain documents, which somehow or other had escaped attention at the first trial, were now produced, and they showed that, besides being a pawnbroker, the accused had exercised the calling of a money-lender, and had lent money to various persons in Swansea at a most exorbitant rate of interest. At the conclusion of the speech for the defence the Lord Chief Justice summed up in some such words as these:

"Gentlemen, I will preface my comments upon the evidence with a few remarks in reference to certain observations which have fallen from the learned counsel, and which appear to me to have nothing to do with the case that you are called upon as gentlemen, honourable gentlemen, as citizens, honourable citizens, to determine. He has said that the religion, or rather persuasion, to which the prisoner belongs, is most unpopular in this your principality" (the Welsh delight in this term). "God forbid that it should be so! It would be a crying disgrace to you as Welshmen, as it would be to the inhabitants of any country, if one man could not meet with as equal a measure of justice as another man, no matter what his religious proclivities might be. I confess that I, who I hope am above all prejudice, do not for one moment believe that any such feeling exists. I, therefore, shall not make another observation upon the matter. Now to come to the facts of this case. The prisoner, who is by trade a pawnbroker, carries on his business in the town of Swansea, which is in this district of assize. The facts are very simple. It is alleged that on two different occasions he received watches—which, for the moment, if you

please, we will call 'A' and 'B'—and that at the time he received these watches, he, exercising those faculties with which he had been endowed, and which any ordinary man must possess, knew that they had been stolen. Now the answer to that is what is termed in law an *alibi*. It is said he could not have received watches 'A,' because the day on which they were said to have been purchased at his shop was his Sabbath day. It was a Saturday, which, as you know, is the Sabbath of that most ancient people; and it is said that this good man could not have received the watches upon that day because, at the time when they were alleged to have been purchased, he was at his synagogue praying. It is also urged in his defence that the day on which the watches 'B' were disposed of at his shop was a day of fasting and humiliation among the Jews; that he was very strict in his religious observances; and that it is the custom for Jews to pass that day in their synagogue in prayer. Witnesses have been called to prove this, those witnesses being his daughter and his son. Well, gentlemen, far be it from me to insinuate that it is so, but it is an observation that I must make that there is the natural inclination of the child to protect its parent. I don't for one moment say that they came here to state that which is untrue—that is a matter entirely for you. Then his foreman gave evidence. Well, gentlemen, there again, you know—he is a servant in the house, and is dependent upon his master for his daily bread; but that, again, is a matter entirely for you. One thing has struck me in the progress of this case, and I'm sure it must also have struck you. It is a piece of evidence that did not come to light in the previous trial, of which, by-the-bye, you never ought to have heard. Certain documents were found in the prisoner's possession relating to dealings, of the nature of usury, which he has had with people of his native town. Now, while the learned counsel was addressing you, I was adding up the amount of interest which this extremely religious man was in the habit of exacting from his clients, and I find it amounts to the somewhat exorbitant sum of from 180 to 200 per cent. Now it has occurred to me—I don't know whether the same idea has occurred to you—that this is just the sort of man who, either going to or returning from his synagogue, might call in at his shop just to see how matters were going on; but that also is entirely a question for you."

The jury put their heads together, and in about two minutes and a half returned a verdict of "Guilty." The learned Judge, addressing the prisoner, said he entirely agreed with the

jury, and sentenced him to five years' penal servitude. The face of my learned friend, as the verdict and sentence were pronounced, was a study.

CHAPTER XLV.

HUIC PŒNAS EXIGIT IRA DEI.

The murder on the Brighton Railway—Description of Lefroy—His anxiety about his hat—A singular request—Inordinate vanity of the accused—Habits of the murdered man—The three first-class tickets—What took place on the arrival of the train—The watch and chain in Lefroy's boot—Appearance of the compartment—Lefroy's statement at the Town Hall—The journey to Wallington—Articles picked up on the line—The revolver—Disappearance of the accused—A mysterious telegram.

I SUPPOSE that the most sensational trial that I ever was engaged in during my career at the Bar, was that of Percy Mapleton, *alias* Lefroy—described in the calendar as a journalist—who was tried in the Maidstone Assizes before the Lord Chief Justice (Sir John Coleridge) on the 5th of November, 1881. The Attorney-General (Sir Henry James, Q.C., M.P.), Mr. Poland, and Mr. A. L. Smith conducted the prosecution. I, with Mr. Forrest Fulton and Mr. Kisch, was specially retained by Mr. Duerdin Dutton to defend the accused.

The murder took place on the 27th of June, and it had attracted a great deal of public attention. In fact, in the interval that had elapsed, it had been a universal topic of conversation.

Before the magistrates at Cuckfield, the prisoner had been prosecuted by the Treasury authorities, and defended by his solicitor, Mr. Dutton. He had been committed to take his trial at the Autumn Assizes at Maidstone.

The prisoner was an extraordinary-looking young man of about twenty-two years of age. He wore a black frock-coat, tightly buttoned up, a low stand-up collar, and a dark cravat. He carried a brand-new silk hat in his hand. Upon entering the dock from the cells below, he made a low bow to the Chief Justice. He was at once called upon to plead to the indictment, "for that he was accused of the wilful murder of Frederick Isaac Gold upon the 27th of June." He replied, in a voice so inaudible that it almost amounted to a whisper, "I am not guilty." He was told that the time had come for him to make any objection to the jury, if objection he had to make, whereupon he bowed towards the jury-box, evidently with a desire to intimate that he was perfectly satisfied with its occu-

pants. While the jury were being sworn, Lefroy stood listlessly with his hands behind him. Though self-possessed, it was clear that he was nervous.

Before the Attorney-General commenced his speech, the prisoner placed his hat on a ledge at the side of the dock. He took it up again, and then once more returned it to the ledge. Apparently, he was loth to part with it. It subsequently transpired that Lefroy was a man of considerable conceit. On the first morning of his trial, he actually asked for his dress-coat, in order that he might wear that garment in the dock. He was, in a word, a man steeped in a kind of petty, strutting, theatrical vanity. Nevertheless, it was almost inexplicable that he should devote more attention to his hat than to the proceedings of the trial.

The peculiarity was not confined to the opening day. Every morning, on taking his place in the dock, he put his hat down with the greatest circumspection, in the exact spot that he had originally selected for it; and every afternoon, when the Court adjourned, he took it up again with infinite care.

As will be seen from the evidence, the hat he wore at the time of the murder was missing, and the one he now cherished so fondly in the dock was a brand-new one, and had evidently been given to him by a friend during his incarceration.

It was curious to note the change that took place in Lefroy's bearing and demeanour whenever he caught sight of an artist from one of the illustrated papers in the act of sketching him. He suddenly brightened up, and, if I am not mistaken, assumed a studied pose for the occasion.

The Attorney-General, in opening the case to the jury, occupied about three hours. After stating the nature of the charge against the prisoner, he proceeded to give an outline of the evidence he was about to produce. It appeared that the murdered man, Mr. Gold, had lived in the suburbs of Brighton and was sixty-four years of age. He had been engaged in business in London, but had retired some time before, retaining a pecuniary interest in one shop. Every Monday morning he proceeded to the metropolis for the purpose of receiving from his manager, Mr. Cross, his share of the weekly profits of that shop. Sometimes he took the money straight to his London bankers, and sometimes he carried it to his seaside home. On Monday, the 27th of June, Mr. Gold left his home at five minutes past eight to proceed by train to London, where he would arrive shortly before ten. He was dressed in his usual way, and carried in his pocket a watch with a white

face, made by a person named Griffiths and bearing the number 16,261. On arriving in London, he proceeded to the shop, and received from Mr. Cross a sum of £38 5*s.* 6*d.* He then went to his bank, which was the eastern branch of the London and Westminster Bank, and there deposited the sum of £38. Mr. Gold was next heard of at the London Bridge Station of the London, Brighton, and South Coast Railway, where he arrived shortly before two o'clock. He was a season-ticket holder on the line, and was well known to the officials at the station. He entered the express train which left London Bridge at two o'clock, taking his seat in a carriage that contained four compartments. One was a second-class, another a first-class smoking, another a first-class, and the last a second-class. It was in the first-class smoking compartment that Mr. Gold was seen by the ticket-collector to take his seat. Just before the train started, another passenger was seen to join him. By that train only three first-class tickets were issued from London to Brighton. Two of them were issued to a lady, and were subsequently accounted for. The third, which was numbered 3,181, had been traced to the prisoner. The train reached Croydon Station at twenty-three minutes past two. Eight miles from Croydon was a tunnel of about a mile in length, and as the train approached the entrance of that tunnel, the attention of a passenger named Gibson, a chemist, was attracted by the sound of four explosions. He imagined they were fog signals. After the train had run a further distance of eight miles, it reached a place called Horley. Close to the line there were some cottages, and outside one of them stood a Mrs. Brown and her daughter. As the train passed, they saw, in one of the compartments, two persons standing up and struggling together. Whether or not the two persons were merely larking, Mrs. Brown and her daughter could not say. Seven miles further on was Balcombe Tunnel, and, after passing through that tunnel, the train stopped at a place called Preston Park, which is about a mile from Brighton Station.

After the train had drawn up at the platform, the attention of the ticket-collector was called to the prisoner, who still occupied the same carriage that both he and Mr. Gold had entered at the commencement of the journey. The prisoner was found in a dishevelled condition, and smothered with gore. Apparently he was wounded in the head. His collar was gone. A quantity of blood was bespattered about the compartment. Lefroy asked for a policeman, and made a statement to the ticket-collector. He declared that, when he commenced the

journey from London, two persons had been in the carriage with him. One of them he described as an elderly man, and the other as a countryman of about fifty years of age. He went on to say that, as the train entered the tunnel, he was attacked by, he believed, the elderly man, that he became insensible, and that he knew nothing of what occurred until just before the train arrived at Preston Park.

When he alighted upon the platform, attention was called to the fact that a watch-chain was hanging from his shoe. The prisoner explained that he had placed it there for safety. Upon the chain being removed, it was found that a watch was attached to it. He was allowed to retain possession of those articles.

The prisoner was taken to the Town Hall at Brighton, where he made a statement. From the Town Hall he was removed to the hospital, and after remaining there for some time, in the custody of two policemen, he was permitted to return to his place of residence at Wallington, near Croydon. The house at Wallington where he went was the house of his second cousin.

At a quarter to four, or four o'clock, on the Monday evening, some forty-five minutes after the train had passed through Balcombe Tunnel, a platelayer came upon the body of Mr. Gold, lying near the entrance thereto. The marks on the corpse left no doubt that the unfortunate gentleman had been shot. Subsequently, indeed, a bullet was found in his neck. The body was further disfigured with wounds that had apparently been inflicted by a knife; and from the nature of those injuries the conclusion might be drawn that a long and deadly struggle had taken place between Mr. Gold and his assailant.

At a quarter past five, another platelayer, working on the line some distance nearer Brighton, found a shirt-collar. As already stated, when the prisoner arrived at Brighton, he was without one. He had, indeed, in company with a policeman, gone to a shop in Brighton, and purchased a new one; and it was afterwards seen that the collar found and the collar purchased were of the same size.

At five minutes past three, at a place called Burgess Hill, which was situated some forty-two miles from London, a hat was discovered on the up-line, and, at a place called Hassock's Gate, a young woman working in a field some yards from the railway found an umbrella which, as was afterwards proved, had belonged to Mr. Gold. The watch taken from the prisoner's shoe was also found to have been the property of the murdered man.

Three Hanoverian medals, which somewhat resembled sovereigns, were found in the carriage from which the prisoner alighted at Preston Park, and, according to the testimony of the persons with whom Lefroy had resided, he had been in the habit of carrying such medals about with him. Nevertheless, when questioned on the point, he denied all knowledge of the three that had been found.

It was known that, on the day of the murder, Lefroy had a revolver in his possession. Some time previously it had been pawned for five shillings by a person giving the name of William Lee. On the 27th of June—namely, the day on which Mr. Gold was murdered—the pledge had been redeemed. The prisoner was alleged to be the man who pawned the revolver and afterwards reclaimed it. After taking out the weapon, sufficient time would have been left him to proceed to London Bridge Station and catch the train in question.

Besides the hat belonging to Mr. Gold that was found upon the line, a second hat was discovered there, and this was of the same shape, make, and size as the one Lefroy was in the habit of wearing.

The accused was accompanied, on his return journey from Brighton, by two policemen. At one of the places where the train stopped, an official of the company entered the carriage, and, speaking so as to be heard by the accused, stated that a body had been found in the tunnel. This information seemed to determine the accused as to his future movements.

After the two constables had quitted the house at Wallington, whither they conducted Lefroy, he told the servant that he was going out in order to visit a surgeon in the neighbourhood. As a matter of fact, he never went to any doctor at all. What became of him during the next few days was shrouded in mystery. It was known, however, that on Thursday, the 30th, he made his appearance at the house of a Mrs. Bickers, in Smith Street, Stepney, where lodgings were to let. At that time there was, of course, a hue-and-cry after him. He gave a false name, and stated that he had come from Liverpool, and that he was an engineer. He remained at the house for a week. He only went out of doors once or twice, and it was clear to its other inmates that he had no occupation.

While lodging in Smith Street, he caused somebody to take a telegram for him to the Post Office. The message was sent in the name of Clarke to a Mr. Seal, at an office in Gresham Street. It ran as follows: "Please send my wages to-night without fail about eight o'clock. Flour to-morrow. Not 33."

On the evening of the day on which the telegram was sent, two police officers, one of whom was Inspector Swanson, called at the house in Smith Street, and took Lefroy into custody. In his room a false beard was discovered.

The first day of the trial was occupied by the Attorney-General's address, and by the brief examination of one or two witnesses.

So far, the proceedings apparently made little impression upon Lefroy, for beyond every now and then lifting his eyelids, he made no sign. At times, indeed, he seemed to be dozing.

The jury, which was composed of twelve quiet-looking men, evidently drawn from agricultural scenes, clearly took the profoundest interest in the proceedings. Some of them from time to time jotted down notes.

CHAPTER XLVI.

QUÆ TE DEMENTIA CEPIT?

Lefroy's bearing during my speech—A curious interruption—The Attorney-General's address—Lefroy's remark to the gaoler—Sir Henry's false prophecy—The verdict—Demeanour of the prisoner—A theatrical effect—Two remarkable letters—Lefroy's youth—"Two Boxing Nights": a story he wrote—A confession—The motive for the crime.

ON the second day of Lefroy's trial, the Police Superintendent of Lewes gave evidence as to the wish expressed by the prisoner to wear the dress-coat. The subject at once aroused the interest of Lefroy, and he listened intently to what passed.

"He asked me," said the superintendent, "to let him have the pawn-ticket for his dress-coat, as he wished to appear in it at the trial."

The persons in Court smiled, and no wonder. The picture presented to the mind, of the prisoner, arrayed in evening dress, standing behind the spiked bars of the dock, was irresistibly ludicrous. Apparently, Lefroy plumed himself not a little on the possession of a dress-coat. Perhaps in his mind evening clothes denoted extraordinary respectability. Of all his worldly goods, they were certainly the last he parted with; and of all his wardrobe, they were in the best condition. When he did pawn them, it was only under pressure of absolute want. What effect he supposed his appearance in a dress-coat in the early morning would have had upon the minds of the jury, I do not for one moment profess to understand.

On the third day of the trial, which was a Monday, the case for the prosecution closed, and, at about eleven o'clock, I rose

to address the jury for the defence. My speech (of which a verbatim report appears at the end of this volume) lasted for about three hours, and I do not think that I ever saw a jury more attentive than on this occasion. Some of them gave way to tears.

Once during the delivery of my speech, Lefroy shifted his chair a little, and seemed for the moment as though he really intended to wake up and listen. This was a mere spasmodic effort, however, and it soon died away. He either had not any interest in the business in hand, or he took care to disguise it.

I endeavoured in the first instance to show the weakness of the prosecution in failing to connect Lefroy with the knowledge of Mr. Gold's habits. I commented on the testimony of the various witnesses, in the order in which they had been called, and endeavoured to show that, though the evidence was strongly circumstantial, the prosecution had failed to establish the fact, beyond any doubt, that the murder was actually committed by the prisoner.

A curious circumstance occurred while I was dealing with the evidence of a man named Weston, a member of the Brighton Town Council. Upon my describing him as a fabricator of evidence, he jumped up in Court and, with his arms moving about like the sails of a windmill, demanded an instant hearing. The only satisfaction he obtained was the curt answer from the Bench: "I shall have to order you to be removed if you do not be silent."

The Attorney-General—who is the only man at the Bar, save his representative, the Solicitor-General, who has a prescriptive right to reply to a defence where no witnesses are called—in a speech of two hours' duration, calmly, and without any display of rhetoric, save at rare intervals, proceeded to comment upon the whole of the proceedings. He produced rather a dramatic effect when, with his fingers pointed towards the prisoner at the bar, he alluded to him as "a fellow-creature standing on the very brink of the precipice of his fate." I am bound to say, however, that, as a whole, his speech was unimpassioned and judicial. It was very earnest, was marked by cogency and closeness of reasoning, and was full of hard, destructive facts. He begged the jury to dismiss all sentiment, and appealed strongly to their reason. No fact that could be brought into view was missed, and no symptom was given of a desire to distort the evidence. At half-past five he concluded his address, and the Judge adjourned, to sum up the case on the morrow.

It subsequently transpired that, when Lefroy quitted the

dock that evening, he was so confident as to the result of the trial being in his favour, that he turned to the gaoler, and said: "When I am acquitted, I hope I shan't be mobbed."

Both the Attorney-General and myself had to proceed to London that night. We went up to town in the same railway-compartment, and chatted over the case on the journey. He said to me:

"You have won your verdict; that fellow will be acquitted."

I shook my head. I had noticed that, whatever effect my speech might have made upon the jury, the Chief Justice, during its delivery, occupied himself by making copious notes for his summing-up; and I knew that he intended to answer me on every point. In replying, therefore, to Sir Henry's observation, I said:

"Wait till to-morrow. You've not heard the Judge yet. Lefroy is a doomed man."

On the following morning, my anticipation as to the nature of the summing-up was fulfilled. It was a most deadly one. His lordship spoke from the sitting of the Court until five-and-twenty minutes to three.

The jury, after a short retirement, returned a verdict of "Guilty," and the prisoner was sentenced to death.

During the absence of the jury, I noticed that the prisoner, whose life was hanging in the balance, showed symptoms of nervousness for the first time. His hands seemed to come mechanically to his face, his fingers twitched as he tugged at his moustache, and he moved uneasily in his chair, being evidently unable to control his emotion. Once or twice he got up from his seat, leant over the bars of the dock, and addressed a few words to his solicitor, Mr. Dutton; then, as if by a great effort of will, he sat down again, and was comparatively calm.

When the foreman pronounced the word "Guilty," up rose Lefroy, and, placing his hands behind him, advanced to the rails. He seemed to be altogether at his ease, though pallid. There was a moment, however, when he grasped convulsively at the rails, and swayed to and fro, as though about to fall. But the weakness was only for a moment. The next minute he was himself again, and, folding his arms, he fixed his eyes intently upon the jury.

Just before he left the dock, he stretched out his right arm, in a theatrical way, towards the jury, and said:

"Some day you will learn, when too late, that you have murdered me." Then, with a firm step, he retired, and disappeared from the public gaze.

Two extraordinary letters—one of them written by Lefroy, evidently while he was in prison; the other being the answer thereto—came into my hands. They are in my possession still, and, believing they may have an interest for the reader, I give them in these pages.

Lefroy's letter runs as follows:

"*Monday, Oct.* 17.

"MY DARLING ANNIE,

"I am getting this posted secretly by a true and kind friend, and I trust you implicitly to do as I ask you. Dearest, should God permit a verdict of 'Guilty' to be returned, you know what my fate must be unless you prevent it, which you can do by assisting me in this way. Send me (concealed in a common meat pie, made in an oblong tin cheap dish) saw file, six inches or so long, without a handle; place this at bottom of pie, embedded in under crust and gravy. And now, dearest, for the greater favour of the two. Send me, in centre of a small cake, like your *half-crown* one, a tiny bottle of prussic acid the smaller the better; this last you could, I believe, obtain from either Drs. Green or Cressy for *destroying a favourite cat.* My darling, believe me when I say, as *I hope for salvation,* that this last should only be used the last night allowed me by the law *to live,* if it comes to that last extremity. Never, while a *chance of life remained,* would I use it, but only as a *last resource.* It would be no suicide in God's sight, I am sure. Dearest, I trust this matter to you to aid me. I will face my trial as an innocent man should, and I believe God will restore me to you once more after this fearful lesson; but should He not, the file would give a chance of escape with life, while if both failed, I should still save myself from dying a felon's death *undeserved.* By packing these, as I say, carefully, sending with them a tin of milk, etc., no risk will be incurred, as my things are, comparatively speaking, never examined. Get them yourself soon, and —— [an indistinct word is here omitted] and direct them in a feigned hand, without any accompanying note. If you receive this safely, and will aid me, by return send a postcard, saying: '*Dear P., Captain Lefroy has returned.*' Send them by Friday morning at latest.

"If not P.A., get arsenic powder from Hart or other (or through Mrs. B.); wrap up in three or four pieces of paper.

"God bless you, darling. I trust you trust me. I can conceal several small things about me in safety."

The other letter is as follows :

"23 *Oct.*, '81.

"My ever dearest Percy,

"I am writing this, hoping that Mr.—— will do me the great kindness of taking it to you, because I may not have another opportunity. First I must tell you that the delay about what you mentioned has happened through our being told that only two shops in London make them, but trust before you have this it will have arrived safely ; if so, say in your next : 'The little basket with butter, etc., came safely.' As to the other thing, oh, my darling, my heart is almost torn with the agony as to what to do about it. To think that *I* should be the means of putting you out of the world, or to think that it is *I* who leave you to an awful fate. Darling, *can* a suicide *repent*? What is ANYTHING compared to our future happiness or misery? God *can* and WILL pardon ALL sins, the *blackest* and worst, if we are *only* sorry and believe in His power to save ; but how about one that you have *no time* to be sorry in? In any case I could not get it from those you mention, nor the A. P. from Hart. If I were alone, *no risk* I incurred for YOUR SAKE I should *think of for a moment* ; but it would be dreadful for the poor little ones were I taken from them for years, as I should surely be were it traced. I thought of Julia, but do not know whether it would be safe ; say what you think. If the worst happens, shall we be allowed to see you once in a room? It would be time then. Darling, YOU KNOW I would do ANYTHING for you I *could*, or that would not be BAD FOR YOU ; but your soul is dearer and more precious than your body, and my one great, indeed, *only* comfort will be in *looking forward* to the time when WE SHALL MEET AGAIN ; my love, if it were not *for that hope*, *my misery* would be UNBEARABLE. Oh, DO TURN to Him in this time of awful trouble ; His arms are open to you. Whatever the verdict of the world may be, our dear mothers *will rejoice* to have you ; ONLY *confess* all you have to confess to *Him*, who is *able* to save to *the uttermost*, and *believe* in His love. You know you have done many wrong things, and might have gone from bad to worse if this frightful calamity had not stopped you. I *think certainly* you have had some bad friend, and would be glad to *know* this—was it '*Lambton*'? Are you shielding anybody? My theory is this—wanting means, the sight of the . . . was a great temptation, and unexpected resistance caused the rest ; if this is correct, some time or other say : 'What you surmised in your last is, I fancy, correct,' or something like that, so that I may understand. My own

dear one, I cannot fancy it prearranged; but of course I know something about the . . . that no one else does, and it is that in a great measure that fills me with such sickening dread and wretchedness for your sake. My darling, what did you want money *so much* for? Wouldn't it be a comfort to tell *some one* EVERYTHING you *know*? I would guard your honour as my own, and all would be *safe* with *me*. Think it over, and if what we dread happens, write me a few lines by Mr. ——, who, I *know*, will give it to me *un*opened. In *any case your name* and memory will ever be among those MOST LOVED and *cherished* by our dear little ones as well as ourselves, who know and love you now. Do you still wish for a likeness of V. C.? One thing more. Has anything I have ever said, or done, or left unsaid or undone, helped you to do wrong? I feel bitterly that I have not been the friend I might have been in speaking more openly, etc., but I feared to hurt your feelings. Good-bye, my dearest, dearest Percy. PRAY WITHOUT CEASING that you may yet be restored to us in this world. God bless and comfort you. "Your ever loving and heart-broken

"ANNIE.

"I have tried through Smith to get a *witness* [?] for third person, but as yet have failed ——. *All* I *can* do I will, you may be sure. My belief in your innocence is *genuine*, for I feel certain it was not intended. If by any merciful chance you succeeded with the implement, how should we know, to bring you *things*, etc.?"

Lefroy's friends were in the habit of referring to him as a "shy, gentle, timid, good-natured boy." He appears to have been of a romantic disposition, and to have found his chief delight in the companionship of books. It is said that all his friends and relatives were very fond of him, and that they had been very anxious lest his delicate state of health, and the weakness of his constitution, should have unfitted him for hard study and physical labours.

Lefroy was in the habit of constantly visiting the theatres, and he wrote one or two plays, which, however, did not prove successful. Nevertheless, he sometimes succeeded in getting little things accepted by small weekly papers. The following is a short story written by him, and published after his execution:

"TWO BOXING NIGHTS.

"Christmas time! There was no doubt about it. Everything and everybody savoured of it. The light of Christmas

fires shone through and gleamed behind closely-curtained windows, with merry leaps, sending showers of golden sparks up dark chimneys, to emerge more bright and dazzling than ever in the clear, frosty air, like fleeting souls hastening through the gloom and cares of life to shine in higher regions.

"'Christmas!' cried the bells, as they pealed softly through the still night air; 'Christmas! merry Christmas!—Christmas! merry Christmas!' so merrily and cheerily that he must have been a man of stony heart who did not echo it, too, from sheer sympathy. 'Christmas!' murmured the dark river, as it lapped against the buttresses of the old stone bridge, and then sped away with many a secret in its gloomy bosom to the sea, where, in company with many others of its race, it murmured still of Christmas; and 'Christmas time!' pleaded inebriated gentlemen when questioned by stern policemen as to why they were sitting in frozen gutters at midnight. For that one day a sort of universal truce seemed to be established. Creditors forgot their debtors, debtors forgot their creditors; wives forgot to scold, husbands to abuse, and young husbands forgot their mothers-in-law, which was, perhaps, hardest of all. Conservatives and Liberals, Churchmen and Dissenters, 'old boy'd' and 'old fellow'd' each other to their heart's content, and the plea for all was—Christmas! But when the world got up next day, what a change was to be seen! Closed blinds, no church bells, shops shut—just as if every one was ashamed of his or her last night's festivity.

"There wasn't much going on indoors to-day, for it was Boxing Day—that day sacred to Christmas-boxes, bills, and last, but by no means least, pantomimes. And to go to one of these last the children were mad with hope long deferred. Papa and mamma affected not to like or care for such trivial amusements at all, but the children—sly dogs, those children!—knew that when once within the cosy recesses of that 'lovely private box' no one would cry 'bravo' more loudly, or clap his hands more vehemently than papa. And what a lot of pantomimes there were, too! Just look at the various hoardings: *Robinson Crusoe*, *Jack the Giant-Killer*, *Aladdin*, and many other well-known stories had been made to contribute to the common good. But first and foremost among the brightly-coloured bills was one that informed the reader 'that on Boxing Night would be produced at the Rotunda Theatre' the grand Christmas pantomime, *Jack and the Beanstalk*. Then followed the list of characters, scenery, etc., and at the end, in large letters, 'Clown—Jolly Joe Jeffs.'

"The Rotunda must have been a well-known theatre for pantomime, for that night it was crammed from floor to ceiling. Everything had gone off without a hitch. The music was pretty, scenery magnificent, and the grand ballet had been pronounced by the crutch-and-toothpick genus in the stalls to be 'splendid,' and by an old lady in the pit to be 'beastly.'

"And now, out of breath with honest laughter, warm, thirsty, and packed like sardines in a box, the great audience sat anxiously waiting for the 'grandest transformation scene ever attempted at the Rotunda,' *vide* bills. If there was excitement in front, so there was behind. Every one busy, excited, and nervous, the manager and stage-manager not being by any means in that happy condition described by the immortal Mrs. Jarley as 'cool, calm, and classical.'

"Inside one of the principal dressing-rooms was a man, clad in a clown's dress, pacing moodily up and down, and listening with feverish impatience for a footstep which never came. It was Joe Jeffs, and the person he was waiting for was his wife. And she was a wife worth waiting for, too. Young, pretty, and loving, Nellie Raynor, then only—and, indeed, up to within a week or so of the present time—a ballet-girl at a West End theatre, had brought some new joy and life to honest, hard-working Joe Jeffs, who, though nearly fifteen years her senior, loved her with a strong and passionate love, and would cheerfully have laid down his life if it had been necessary to save her from harm. And this winter, when Nellie, through her husband's influence, got engaged at the Rotunda as columbine, Joe Jeffs thought that his cup of happiness was full to the brim.

"A knock at the door. 'Come in,' cried the clown. Mr. Flies, the stage-manager, entered. Flies was a little short man, with a round red face, with very short black hair, so short that it always stood on end, as if each hair was desirous of looking over its neighbour's head.

"'I'm very sorry, Mr. Flies,' said the clown, humbly, 'very sorry; but Nellie told me to-night she wasn't well, and would lie down for a bit, and would come later on. I sent a boy to our place some time ago, and she must be here in a minute.'

"'Minute!' roared Mr. Flies, 'what's the good of a minute? I—who the devil's that?' as a hand was laid on his arm.

"It was the harlequin, in the bills Roberto Taylori, out of them, Bob Taylor, an old friend of the clown's.

"'I've got an idea,' said the harlequin, giving a kindly, unseen nod to his friend. 'Say a few words to the public, and

let my girl Bella go on for the part to-night; she's about Mrs. Jeffs' size, and I've taught her the trip long ago.'

"Miss Bella Taylori was in the front row of the ballet, consequently could dance well and look pretty; but, best of all, was there on the spot, so to speak. The stage-manager didn't take long to make up his mind.

"'Bob,' he said, to the harlequin, 'you're a brick. The very thing. Get the girl dressed at once, and I'll get the guv'nor to speak to them.' *Them* being the audience, who were now in a state of noisy impatience. Mr. Flies hurried off.

"'Tell your missus it's all right, old man,' said the friendly harlequin, as he hurried away.

"The clown was about to reply, when a light footstep was heard approaching. A happy smile lighted up his face. 'At last,' he said, with a sigh of relief, as the footsteps neared the door. Quickly he turned the handle and threw it wide open, but only to start back with a cry of disappointment, for the new-comer was not his wife, but the boy he had sent an hour previously. 'Well,' cried the clown, 'what did she say?'

"The boy shook his head stolidly.

"'I didn't see her, sir,' he said; 'only the landlady, and she guv me this.' The clown held out his hand, and into it the boy put a tiny note, on which was written, in a woman's hand, 'To be given to my husband.'

"'You can go,' said Joe Jeffs, in a voice which was so hoarse and strange that for a moment it startled the lad. When the door was again closed the clown looked at the tiny missive. Was she frightened that he would be angry with her for remaining so long behind the time, and so did not care to come at all, but wrote instead? That must be it. With trembling hands he hastily tore it open, and read: 'Husband, good-bye; I shall never see you any more. I am going away with some one that loves me very much. You were always too good for me. May God forgive your poor lost Nellie!' Nothing more. Only an old, old story, with a vulgar clown and his wife as hero and heroine.

"Joe Jeffs raised his head. Was it paint alone that gave that awful deathly look to his face and fixed glassy eyes? Was it clowning that caused the strong man's hands to shake as if he were suffering from the palsy? And, above all, was it art or nature which made that bitter cry of agony arise from the uttermost depths of a broken heart?

"At that moment the call-boy's shrill voice was heard, 'Mr. Jeffs, the stage waits!' Mechanically the clown reeled to the door and opened it, down the narrow, dark passage, and staggered through the wing on to the brilliantly-lighted stage,

and then, in a voice more resembling the croak of a raven than the utterance of a human being, gave vent to the time-honoured utterance, 'Here we are again!'

"How the house roared at the strange voice and staggering gait! Such quiet humour! So dry, very dry! And then, after such a capital commencement, the great audience settled down with keen anticipation for the fun that was to come. And come it did. With what zest did Jolly Joe Jeffs trip up the policeman, steal the sausages, and go through the hundred and one odd tricks which go to make up the sum total of a harlequinade! The 'gods' were in one continual roar; even the stalls and circle were mildly excited, while as for the pit, the opinion of that black, seething mass of humanity may be briefly summed up in the words of an excited old gentleman, who, carried away by his enthusiasm, flung his neighbour's hat into the air, crying, 'Splendid, sir, splendid! Grimaldi was a fool to Jolly Joe!' And tumbling, grimacing, tripping up, now dancing on a spade, a minute later cracking sly jokes, the clown went through it. Only the clown, though, for God's beautiful creation—man, was gone. When his poor, aching head swam for a moment, and he fell heavily to the ground, what a shout went up! Droll fellow, that Jeffs—very droll! And their laughter reached its culminating point when, during a hornpipe by the pretty columbine, two large tears stole down the clown's painted face, as he, in burlesque fashion, attempted to imitate it. 'He's a-crying with laughter!' roared the excited gallery, and they cheered him to the echo for entering so heartily into the spirit of the thing. At last the end came. One last wild trick, clouds of smoke from the coloured fires, a last mad 'rally,' and, amidst tremendous applause, the pantomime was over. As the band commenced to play the National Anthem, Jolly Joe Jeffs staggered off the stage, as he had staggered on. Ere he could reach his dressing-room two men stopped him. One was Mr. Flies, the other Mortimer, the manager. 'My boy,' said the latter, taking him by both hands, and shaking them warmly, 'you've surpassed yourself. If only your wife could have seen you!' That was enough. For a minute Jolly Joe stood erect, and then, with a wild, gasping cry, fell heavily to the ground. The clown was gone, but the man was there.

"NIGHT THE SECOND.

"Ten years rolled by. Ten long, weary years they had been to Joe Jeffs, who had never given up the search for his lost darling. A few weeks after his great loss an old relative

had died, leaving him a small annuity. On this he had lived, or rather existed, wandering aimlessly about the country in the hope of one day finding his wife, whom, in spite of all, he loved as fondly as ever.

"And this Boxing Night, he was walking down the little High Street of Milford, weary, hopeless, and sick at heart, to all appearance a bent, careworn, old man, a mere wreck of the merry fellow who ten years before had made a great theatre resound with peals of laughter at his drollery. Quickly the clown walked on, for the night was cold, and the biting east wind seemed to pierce his bones to the very marrow. When within a few yards of the little inn at which he was staying, his arm was touched.

"'Buy a box of lights, sir; do buy a box, please!'

"He turned. A woman, wretchedly clad, and with death stamped in every feature, stood at his elbow.

"'No,' answered the clown, roughly; 'I don't want any,' and he walked on.

"But the beggar was not so easily shaken off. She detained him again, and as the wind lulled for a minute, her voice rang in his ear:

"'Buy a box, sir; just one box!'

"At the sound Joe Jeffs turned.

"'Let me see your face,' he cried, hoarsely; then, as the pale light of the moon fell upon it: 'Nellie, dearie, don't you know me?—Joe, your husband?'

"But there was no reply, for his long-lost wife lay insensible in his arms.

"She was dying, the doctors said—dying of cold and want. So they told her husband, sitting by her bedside in the little inn.

"'Can nothing save her?' asked the clown.

"'Nothing on earth, my poor fellow—nothing on earth.' And the old doctor looked out of the window and blew his nose violently, for a kind-hearted old man was the doctor, and knew something of poor Joe's story, and felt for him.

"'Joe.'

"'Yes, darling.'

"'Are you sure you quite forgive me?'

"A loving kiss was the only answer.

"'Nellie, I won't be long,' cried the clown.

"'Listen!' And by a great effort the dying woman raised herself up; then suddenly:

"'Joe, dear, what day is it?'

"'Christmas Day, Nell.'

"'Ah! so it is. More light, for God's sake, more light!'

"The doctor made a movement of his hand, and the attendant drew back the curtains from the little window which looked upon the sea, on which lay a broad path of gold, formed of the last rays of the setting sun upon the water.

"'How bright it all is, Joe,' cried the dying woman, as she sank back upon her pillow. 'At last, at last! Joe, darling husband! good-bye!'

"And with a sweet and happy smile upon her face, Nellie went down with the sun.

"Joe Jeffs still lives at Milford, but he is wonderfully changed, though. People say he is mad, and so he is, in a sad, harmless way. For as sure as Boxing Night comes round, he paints his face and dresses just as clowns do, and there in the little tap-room of the 'Red Lion' he sings 'Hot Codlins' in a little, thin, cracked voice, and tumbles in a mild and feeble way, and plays a few clownish tricks. How the villagers laugh! They know he is mad, but that doesn't take away from their enjoyment; and one of old Joe's funniest tricks is to address them all as 'ladies and gentlemen,' and apologise for the non-appearance of the columbine. But when all the merriment is over, old Joe, with his clown's dress still upon him, creeps down, whatever the weather may be, to the little churchyard, where, with his poor old gray head pillowed on a little marble slab inscribed 'Nellie,' he pours out a bitter prayer that heaven may take him soon to her he loved so well, and ere he leaves the tomb, with great tears upon his painted face, he softly prays for Nellie too. But the end must soon come.

"Each Boxing Night old Joe goes through the same performance, and the people laugh as vociferously as before. But every year he gets more feeble. He can't tumble as he used to, and his sight and memory seem failing fast, and the absent look in his face seems to denote that his thoughts are far away.

"And now when people meet old Joe Jeffs, they shake their heads sadly, for they know that soon, very soon, the curtain must fall."

According to a statement Lefroy left with the prison chaplain, he spent almost his last penny, on the day of the murder, to buy the railway ticket that placed him in a situation to commit the crime. He said he had no knowledge of Mr. Gold's habits,

and no particular reason for supposing that that gentleman had money or valuables in his possession.

Just before his execution, a document was handed, at his request, to one of his nearest relatives. In it he stated that he had been desperate, owing to his want of money, and that, upon the morning of the murder, he rose early with the intention of obtaining funds, even though his efforts to do so involved murder. From this document it appears that, on arriving at the railway station, he walked up and down the platform, and looked into all the carriages, in the hope of discovering a lady likely to have some money in her possession. He stated that he thought he might succeed in robbing a woman by threatening her, and added that if he could, in this way, have avoided murder, he would have done so. He felt, he said, that if he offered the lady the alternative of giving up her money or her life, she would at once have yielded up the former. He could have coerced her by pointing the pistol at her, and, if necessary, he could have dealt her a blow which would have caused her to swoon. Seeing no lady whose appearance betokened the possession of any considerable sum of money, he entered a carriage which contained one gentleman, and immediately nerved himself for the commission of murder. In conclusion, Lefroy admitted that the finding of the jury was just and right.

CHAPTER XLVII.

IMPIA SUB DULCI MELLE VENENA LATENT.

A remarkable case of murder—George Henry Lamson—The young cripple at Blenheim House, Wimbledon—An *affectionate letter*—How the property was divided—Lamson's pecuniary difficulties—His visit to the school—The sweets, the Dundee cake, and the gelatine capsules—An agonising death—Interesting scientific evidence—Experiments with the mice—My lines of defence—The prisoner's demeanour on hearing the verdict—Devotion of Lamson's wife.

THE next case of murder in which I defended was one of even greater interest, in my judgment, than that of Lefroy. The accused was George Henry Lamson, a surgeon, twenty-nine years of age. He was charged with the murder of his brother-in-law, Percy Malcolm John, who met his fate on the 3rd of December, 1881.

The trial took place before Mr. Justice Hawkins on March 9th, 1882, and the five following days. The Solicitor-General, Sir F. Herschell, Mr. Poland, and Mr. A. L. Smith appeared for the Crown; while I, Mr. C. Mathews, and Mr. E. Gladstone defended the accused.

Percy Malcolm John, a lad of about nineteen, who was a sufferer from paralysis of the lower limbs, and unable to walk, was a pupil at the school of a Mr. Bedbrook, Blenheim House, Wimbledon. Two wheeling chairs were kept for his convenience in the building. One was for use on the second floor, where he slept, and the other in the basement, where he remained during the day. It was the custom for one of the boys to carry him downstairs every morning, and to carry him up again at night.

On Friday, the 2nd of December, he stated to his schoolmaster that he expected a visitor. No visitor, however, arrived. He had received a letter, dated December 1st, which ran as follows:

"NELSON'S HOTEL, GREAT PORTLAND STREET,
"LONDON.

"MY DEAR PERCY,

"I had intended running down to Wimbledon to see you to-day, but I have been delayed by various matters until it is now nearly six o'clock. By the time I should reach Blenheim House you would probably be preparing for bed. I leave for Paris and Florence to-morrow, and wish to see you before going, so I purpose to run down to your place as early as I can for a few minutes, even if I can accomplish no more.

"I am, dear boy,
"Your loving brother,
"G. H. LAMSON."

On December 3rd, the lad was carried down in the usual way to the basement. He appeared to be in his ordinary health.

His mother had died in 1868. All the children had been wards in Chancery, and, previous to 1881, one of his brothers and one of his sisters had died under age. Another sister had married the prisoner, a medical practitioner of Bournemouth. By the will, the children, when they came of age, or married, were each entitled to an eighth portion of a certain property. The share of those who died under age passed to the survivors. At the time of his death, Percy John had property in expectation to the value of about £3,000. In the event of his death as a minor, it would be divided among his two married sisters. Mrs. Lamson, at the time of her marriage, had made a settlement to her husband; therefore, her share would come into his hands. Herbert John, one of Percy's brothers, had died in 1879, and the prisoner had received, as his share of the

deceased child's property, £479 in India Stock, and £269 in Consols.

Percy, though a sufferer from paralysis, exhibited no symptoms of serious bodily illness. He was a boy of remarkably good temper, and of very fair intelligence.

It appears that the prisoner's career had been somewhat of a chequered one. He had struggled with great pecuniary difficulties, and, in spite of the money he received by Herbert John's death, an execution had been put into his house. At the time of the murder, he was admittedly in straitened circumstances.

Lamson had appeared to exhibit the greatest solicitude for the welfare of the deceased, and had seemed to take a professional interest in his case. On the 3rd of December, Lamson visited the school at Wimbledon, at about seven o'clock in the evening. He produced a parcel, and explained to the schoolmaster that he had brought his young relative some sweets and a cake. He also stated that he had some gelatine capsules which he had brought from America. Remarking to Mr. Bedbrook that they would enable him to administer nauseous medicines to his pupils, he prevailed upon that gentleman to take one himself, just to see how easily they could be swallowed. Cutting the Dundee cake with his penknife, Lamson gave a piece of it, together with some of the sweets, to the schoolmaster, and, during the whole of the interview, he munched the cake himself. Percy John also had some sweets and some of the cake. While Lamson was descanting upon the virtues of the capsules, and the schoolmaster was examining them, the former filled one with sugar from the basin in front of him, and handed it to his young brother-in-law, with these words:

"Here, Percy, you're a swell pill-taker; take this, and show Mr. Bedbrook how easily it may be swallowed."

The boy placed the capsule in his mouth, and swallowed it with one gulp. The prisoner observed:

"That's soon gone, my boy;" and then he added: "I must be going now."

Just before leaving the school, he said he intended to catch the tidal train for Paris.

About twenty minutes afterwards, Percy complained of heartburn, and was carried up to bed. In a little while he became worse, and vomited violently. He told Mr. Bedbrook that he felt as he had done in the previous August, when the prisoner had given him a pill. It was clear that he was suffering great pain, and those who attended him had the

utmost difficulty in keeping him down in bed. Every remedy that was tried seemed of no avail, until the doctors injected morphia under the skin, which seemed to give him temporary relief. The operation was repeated several times, but, in spite of this, and the other remedies employed, the poor lad died within four hours of swallowing the capsule.

At the bottom of one of Percy John's boxes a pill-box was discovered. It contained certain pills, and on the label was written: "George Henry Lamson, M.D., care of Messrs. Gilling and Co., 499, Strand." Upon analysis, those pills were found to contain aconitine.

A *post-mortem* examination was conducted by Dr. Little and Mr. Bond, who could not, however, discover anything sufficient to cause death, the only traceable disease being the long-standing curvature of the spine, in itself innocuous. A chemical analysis of the stomach and other parts of the body was then conducted by Dr. Stevenson and Dr. Dupré, who came to the certain conclusion that death was due to an irritant vegetable poison. They declared that this was aconitine, a deadly poisonous vegetable alkaloid, containing the active principles of aconite, distilled from the root of monk's-hood.

Suspicions fell on the prisoner, and they were greatly strengthened when it was discovered that, on the 28th August, 1881, he had purchased, of a chemist at Ventnor, named Albert Smith, three grains of sulphate of atropine, and two grains of aconitine. The chemist stated that, knowing Lamson to be a medical man, he had sold him the poison without making any inquiries, contenting himself with labelling the bottle "Aconitia." In addition to this, it was discovered that, on the 24th of November, 1881, the prisoner asked for two grains of aconitine at Messrs. Allen and Hanburys', of Plough Court, Lombard Street, and that the assistant, having referred to the Medical Dictionary, and found that Lamson was duly qualified, had supplied him at once with the poison he desired. Evidence was also forthcoming that, on the 20th of November, Lamson had attempted to purchase some aconitine at Messrs. Bell and Company's, of Oxford Street.

The principal interest of the trial centred in the possibility of detecting, by chemical tests, the presence of vegetable poisons in the human body after death. In this connection, the evidence of Dr. Stevenson and Dr. Dupré was of a most scientific character. They stated that they had conducted experiments with extracts from the boy's body, having injected drops of those extracts under the skin of mice, which had died

of the operation. The little creatures had, the doctors said, exhibited the same symptoms before death as would follow from injections of pure aconitine.

It appeared that the prisoner, having heard that suspicions were aroused against him, went, on the 8th of December, of his own accord, to Scotland Yard, where he saw a police inspector, named Butcher. That officer gave evidence as to what transpired at the interview. He said:

"When the prisoner came there and saw me, he said: 'Mr. Butcher?' I replied: 'Yes.' He then said: 'I am Dr. Lamson, whose name has been mentioned in connection with the death at Wimbledon.' After I had asked him to be seated, he continued: 'I have called to see what is to be done about it. I considered it best to do so. I read the account in the public papers in Paris, and came over this morning. I have only just now arrived in London. I am very unwell and upset about this matter, and am not in a fit state at all to have undertaken the journey.' I then communicated with Superintendent Williamson, who said to the prisoner: 'You will have to remain for a time.' I remained with him, and his wife was also present. He conversed on various subjects for some time, and then he said: 'Why is the delay? I thought I would come here and leave my address. I am going into the country —to Chichester—so you will know where to find me; and I will attend the inquest. I have travelled from Paris *viâ* Havre and Southampton. I went over *viâ* Dover and Calais.' After this I again saw Chief Inspector Williamson, who called the prisoner into another room, and said: 'Dr. Lamson, this case has been fully considered, and it has been decided to charge you with causing the death. I therefore take you into custody, and charge you with causing the death of Percy Malcolm John, at Blenheim House, Wimbledon, on the 3rd of December.' The prisoner said: 'Very well. Do you think they would accept bail? I hope the matter will be kept as quiet as possible, for the sake of my relations.' I told him he would now be taken to the Wandsworth Police Court, and that the question of bail would rest with the magistrate. I then conveyed him in a cab to the Wandsworth Police Station. On the way, he said: 'You will have my father here in a day or two. I hope it will be stated that I came to Scotland Yard of my own free will. I came from Paris on purpose.' I said: 'Certainly.' In a box of the prisoner's, which was found at Euston Station, certain pages were discovered, on which was written a description of the effects of acrid vegetable poisons."

This was one of the most difficult cases that I ever had to deal with, because it required so much medical knowledge. For days before the trial—or rather, for nights; my days being fully occupied—I spent hours in study, being assisted in my task by Professor Tidy, the celebrated analyst.

My speech for the defence lasted for the greater part of two days. I had to deal with the analytical and medical evidence with extreme minuteness. I laid great stress on the admitted inability of the scientific witnesses to rely on any other tests than those applied to the mice; declared that their action was a leap in the dark; and pointed out that they had to traverse a region of science which had hitherto been unexplored. What, I asked, was the evidence of any knowledge having been obtained as to aconitine? Who could speak of its properties and character?—and Echo answered "Who?" What was it?—the root of monk's-hood. Up to the present time, with the exception of one reported case, there was no authority on the subject. After exhausting the evidence of Dr. Berry, who attended the boy when first he was taken ill, and of Dr. Little and Mr. Bond, who conducted the *post-mortem* examination, I passed to the testimony of Drs. Stevenson and Dupré, whose testimony, the former said, rested upon the tests of the effects of the solution on mice. I pointed out that Dr. Stevenson had admitted that most of those results were consistent with causes other than poisoning by aconitine. I endeavoured to ridicule the tests upon mice, and quoted the remarks of Lord Coleridge, who had said that tests upon animals were always most unreliable, and of Dr. Tidy, who had written that, though useful in arriving at results, they sometimes failed, and were "not at all reliable." If, I said, the jury used their common sense, they must see that those observations were sound. So delicate was the constitution of a mouse, I pointed out, that one of those experimented upon had died because the injecting needle had been stuck into its body a quarter of an inch too far. Mice would sometimes die even from an injection of water; and therefore, could the mice experimented with be declared positively to have died from aconitine poisoning? Upon the question as to whether, if aconitine had been given, it had been given by the prisoner, I commented strongly on the fact of his poverty having been pressed against him, and called the attention of the jury to the facilities which Lamson would have had to take the boy's life, had he been so minded, during the summer. I drew attention to the fact that the supposed murder took place in the full

light of day, in the presence of the schoolmaster, and that there was no evidence to show that the prisoner had brought the capsule with him ready charged. He must evidently, I said, have manipulated it in the schoolmaster's presence, and I pointed out that it was not at Lamson's request that the powdered white sugar was brought into the room. As to the pills, where did they come from? No pills were given to the boy by the prisoner, for Mr. Bedbrook was present throughout the whole of the interview, and saw none exchange hands. Where was the boy all the afternoon? He had been downstairs, in the room where the pills were found. It was well known that, in contravention of the rules of the establishment, Percy John kept, and took, medicine privately; and what, I asked, was more likely than that he should have taken the pills for heartburn, from which he was suffering? At the conclusion of my speech (which is printed at the end of this volume), the Solicitor-General replied, and the Judge summed up. The jury then returned a verdict of "Guilty."

Upon the sentence being pronounced, the prisoner, who was standing in the dock with his arms folded, in a loud voice protested his innocence before God.

I was very much impressed during this trial by the conduct of the prisoner's wife. She remained entirely staunch and faithful to him until the end. She had sacrificed everything in the way of money to obtain the means to defend him. Day by day a thin little figure sat half concealed behind the jury-box, and, as the public were leaving the Court every evening, at the end of the day's proceedings, this little figure would steal almost unobserved from its hiding-place, and, standing close underneath the dock, would take the prisoner's hand and kiss it most affectionately. This shows how true a woman can be, for I have but little doubt now, from many circumstances that came to my knowledge after the trial, that she full well knew her husband to be guilty. Nay, it is probable that she knew more than was proved before the legal tribunal. There can be little doubt that her other brother, Herbert, by whose death Lamson came into a considerable sum of money, was also murdered by him. I am under the impression, indeed, that, before his execution, the convict made a full confession of both crimes.

CHAPTER XLVIII.

MIRABILE DICTU.

A remarkable matrimonial case—Lord Euston's marriage with Kate Walsh Smith—The settlement—Froggatt, the solicitor, convicted of larceny—His lordship leaves the country—Doubts and inquiries—The man who went down in the *London*—Matters take a fresh turn—Remarkable coincidences—The result of the proceedings.

THAT truth is stranger than fiction was never better exemplified than in an important divorce case in which I figured as one of the counsel. The Honourable Henry James Fitzroy, commonly called the Earl of Euston, petitioned, and Kate Walsh Smith, otherwise Fitzroy, and Countess of Euston, responded. Mr. Charles Russell, Q.C., Mr. Murphy, Q.C., and Mr. Lehman were counsel for the petitioner, while Mr. Inderwick, Q.C., and I represented the respondent.

Even in the annals of that remarkable tribunal, the Divorce Court, I do not think a more extraordinary story was ever unravelled than this case brought to light.

The petitioner was the eldest son of the Duke of Grafton, and he sued Kate Walsh Smith to have a decree of nullity of marriage pronounced on the ground that, at the time he went through the ceremony of marriage with her, she was a married woman whose husband was then living. In the year 1870, the petitioner, then the Honourable Henry Fitzroy, met the respondent, who was known by the name of Kate Cook. She was alleged to be a woman of gay habits, who had taken her name from a person connected with the circus, with whom she had lived for a number of years. After the petitioner had met her, he lived with her for some time, and, eventually, on the 29th of May, 1871, they went through the ceremony of marriage. The respondent gave her name as "Kate Walsh," and stated that she was a widow. In the certificate of the Registrar of Marriages she was described in that way. The friends of the petitioner learnt of his connection with this woman some time before the ceremony was gone through, and they were very anxious to prevent it. The marriage took place in a parish church at Worcester, and, at that time, Lord Euston, who was entitled in his own right to £10,600, settled the amount upon the respondent. Unfortunately for her, she was introduced by some friends of his to a solicitor named Froggatt.

The reader will remember that the solicitor in question was one of the defendants in the second Turf Fraud case, and that he was convicted

Froggatt officiated as one of the trustees under the settlement. He subsequently made away with the money, and was tried for the larceny at the Old Bailey, I being the prosecuting counsel. He was convicted, and sentenced to penal servitude.

In the certificate of marriage, the petitioner was described as of full age. In point of fact, he was, at the time, between twenty-one and twenty-two. The respondent was twenty-eight years of age. After the marriage, the parties lived together for a period of about four years, there being no issue of the union. In 1875, they separated, and from that year, down to the time of the trial in the Divorce Court, no communication of any sort passed between them.

The petitioner, who had of course lost caste with his friends, was advised to go abroad. He went to Australia, where he obtained Government employment. He discharged his duties in every way creditably to himself, and ultimately came back to this country. After his return, circumstances suggested a doubt as to whether the respondent's description of herself, at the time of the marriage, as a widow, was a true one. Inquiries were instituted, and they satisfied the petitioner and his friends that, when the ceremony was gone through, the respondent had a husband living. On the 6th of July, 1863, she had married a man of the name of George Manly Smith. The certificate of that marriage was discovered, and on it the name was given as "George M. Smith." The ceremony took place at St. Mongo's Catholic Chapel, Glasgow, and the parties were described as follows: George M. Smith, 127, Argyll Street, Glasgow, a bachelor, and a commercial traveller; Kate Walsh, spinster, of Cathedral Street, Glasgow. There was no question about the marriage. There could be no doubt that it took place at the date, and under the circumstances, mentioned. The friends of the petitioner had now to devote their energies to discovering the whereabouts of George Manly Smith.

It appeared that, at one period of her career, the respondent had been sued for the recovery of a sum of money in the County Court, under circumstances that made it material for her to explain her position, and what her status was. On that occasion, it was discovered, she swore that her husband, Mr. George Manly Smith, had sailed from this country in the *London*, the sad history of which vessel is known to everybody. She foundered at sea and all lives were lost.

The advisers of the petitioner had now to find out whether this statement was correct. On scrutinising a list of those wh

had gone out in the *London*, they found, sure enough, the name, "G. M. Smith." Fortunately, they pursued their investigations further. It transpired that the name of the passenger who was drowned was George Maslin Smith, and that his widow, who had administered to his estate after his death, was still alive. She was, indeed, afterwards called as a witness at the trial.

Thus far, then, the investigations had yielded a satisfactory result. The respondent, when interrogated in the County Court, was wrong when she asserted that her husband had been drowned in the *London*. Further search now brought to light the fact that George Manly Smith was living in New Zealand.

He was brought over to this country, and was called as a witness in the Divorce Court when the case came on. The respondent, who was seated next to the solicitor who instructed us, Mr. Dutton, was pointed out to the witness, and he at once identified her as the woman he had married at Glasgow.

Matters now took a fresh turn. We who appeared on behalf of the respondent alleged that, when George Manly Smith went through the ceremony of marriage with Kate Walsh, he had a wife actually alive. By a curious coincidence, her maiden name was Mary Ann Smith. Her brother was called, and he proved that she died of cancer on the 9th of June, 1867, having therefore lived for four years after George Manly Smith went through the ceremony of marriage with Kate Walsh. In point of fact, therefore, the respondent was not legally married until she married the Earl of Euston. His suit was accordingly dismissed, and the marriage now stands.

CHAPTER XLIX.

QUID RIDES?

Country justices' justice—Some excellent Chairmen of Quarter Sessions—The offence of laughing in church—My interposition—Story of a magistrate and a poultry-stealer—Eccentric jurymen—One who disliked the nobility—A conversation I overheard in a railway carriage—Ballantine's collapse—A strange delusion of his.

A GREAT deal has been said and written about country magistrates, and justices' justice. I had very great experience during the latter part of my professional career with country Benches, both at their Petty and their Quarter Sessions, and I am bound to say that, as a rule, very little fault could be found with the manner in which they did their work. Indeed, some

of the Chairmen of Quarter Sessions discharged their local and county duties in an admirable manner, and, in many cases, tried prisoners almost, if not quite, as well as ordinary Judges.

Going "special" so frequently to prosecute and defend prisoners, I had every opportunity of judging, and I may mention, as instances of excellent country justices, the present Marquis of Salisbury (for many years Chairman for the county of Hertford), Lord Brabourne (who, both when he was Mr Knatchbull-Hugessen and since his elevation to the peerage, was Chairman of the Canterbury division of Kent), Admiral Duncombe, and Mr. Overend, Q.C., who presided in two of the Yorkshire divisions.

Of course there were exceptions to the rule, and I have known most eccentric things done by country justices.

I think my experience has been that a parson makes the very worst possible magistrate. Somehow or other, his views are not as broad as they might be, and, oddly enough, he seldom seems to err upon the side of mercy.

A funny thing occurred in my presence when I was before a Suffolk bench of magistrates, sitting in petty sessions, at Newmarket. I went down for a small trainer, named Josiah Johnson, who lived at racing head-quarters. He was prosecuting some men for forcible entry into his premises. It appeared that he was in possession of certain race-horses, and that a man who had, or imagined he had, some claim to the same, instead of having recourse to the machinery of the law, had hired a band of navvies, and, with their assistance, had broken into the stables, and removed the animals by main force.

While I was waiting for my case to come on, an event occurred that certainly caused me some astonishment. A well-dressed individual of the farmer type was brought up before their worships on the extraordinary charge of laughing in church. I confess I listened with considerable amusement to the manner in which the case was dealt with. The accused had, it appeared, gone into a country church in the neighbourhood of Newmarket, and, there being no seat for him, had stood during the service, leaning against one of the columns. While in this situation he had caught the eye of a pretty rustic lass among the congregation, and a signalling communication had been established between them. Finally they were actually discovered committing the grave offence of laughing. It seems that one of the officers of the church, observing this, walked the man out of the building, and gave him into the custody of the local constable, who took him to the lock-up. The evidence

of the church official and the constable having been taken, the chairman of the Bench, an old gentleman of about seventy or eighty, consulted with his brother magistrates, and then, after reading the accused a short lecture, actually sentenced him to four days' imprisonment with hard labour!

Well, this was a little more than I could stand. I was seated at the advocates' table, and opposite to me was the clerk of the justices. In an undertone, I observed to him:

"You can't do this. What on earth offence has the man committed? He isn't charged with brawling, nor, if he were, would there be any case against him. For goodness' sake, don't let them do this."

After a further whispered conference, the clerk got up, and communicated what I had said to the chairman. That worthy did not seem as though he proposed to pay any attention to my interference. However, on entering the Court, I had observed, and had exchanged nods of recognition with, my old friend Monty Tharp, who was sitting, with a very solemn face, as one of the justices. Now, I had known Monty from his earliest boyhood, and, of course, with all his other friends, was perfectly aware of his strong religious proclivities; but I confess I was not prepared for this. Hurrying round the table, I jumped up on the seat below the bench, so as to be able to communicate with him quietly; and I then gave him to understand that, if such a piece of gross injustice as was proposed were insisted upon, I should make it my business, immediately upon my return to town, to personally represent the matter to the Home Secretary.

The Bench retired to consider what they should do, and, on their return, the chairman, addressing the prisoner, said that they had reconsidered the matter, and, having regard to the fact that he was a stranger in the neighbourhood, and was about to quit it—it was to be hoped, never to return—they had decided upon taking a more merciful view of his offence, and upon discharging him. Of course, it would never do for a local magnate to confess he was in the wrong.

A story—the truth of which I am not able personally to vouch for—is related of the chairman of a Bench of county magistrates somewhere in the North. The gentleman in question, who was a large landed proprietor, had among his labourers a very useful man, who was somewhat of a favourite of his. This person had taken a fancy to some of his neighbour's fowls, was arrested, and was brought before the local Bench. They sent him to take his trial at the Quarter Sessions

over which his master presided. Upon the case being called on, the prisoner, in answer to the charge, pleaded "Guilty." The chairman, nevertheless, went on trying the case, and had the prisoner given in charge of the jury, just as though the plea had involved a denial of the accusation. Knowing that the chairman was very deaf, a counsel present jumped up, and, as *amicus curiæ*, ventured to interpose, and to remind his worship that the prisoner had confessed his guilt. Upon this the presiding genius flew into a tremendous passion, begged that the learned counsel would not interrupt him, and exclaimed:

"Pleaded guilty! I know he did; but you don't know him as well as I do. He's one of the biggest liars in the neighbourhood, and I wouldn't believe him on his oath."

The trial proceeded, and I do not think it is necessary for me to mention the result.

I am bound to say that I have occasionally known a jury-man act almost in as eccentric a manner as the local justices to whom I have been alluding.

Once, at the Old Bailey, a tradesman, apparently of the highest possible respectability, was placed upon his trial upon a charge of fraud. I forget now who prosecuted him, but I was counsel for the defence. He had been in very large business as a florist, nurseryman, and fruit-grower, in the neighbourhood once famous for the Cremorne Gardens; and, yielding to the general feeling in favour of joint-stock enterprises, he had turned his business into a company, and secured one or two of the nobility as directors.

The company was eventually wound up; and the charge against the prisoner was that, when he knew perfectly well that matters were coming to a crisis, he had represented to a lady, desirous of investing a small capital to advantage, that the concern was in a most flourishing condition and likely to pay a good dividend. It was alleged that, in consequence of those false representations, a number of shares which he had received as part payment for the good will of the business had been taken over by the lady.

Lord Suffield was one of the directors. He appeared in Court, being accommodated, as they say in the newspapers, with a seat upon the bench. He had come prepared to be called as a witness by me, if necessary, to depose that, to the best of his belief, at the time the defendant made the representations, they were justified by the condition of the company.

On reading my brief I was convinced of the *bona fides* of my client. I was, and always shall be, of opinion that he had

intended no fraud. It is natural, therefore, that I looked upon the case as what is termed familiarly among us a "galloping acquittal."

It so happened that I had been principally engaged during the week in the Court in which this case was tried. This was the last day of the sittings, and I had therefore been addressing the same jury two or three times on each of the preceding five days. As was so often the case, having been in the company of this particular set of men from ten in the morning to five or six in the evening, I was on excellent terms with them—that is, of course, from a distance. I had, indeed, been more fortunate than usual in my verdicts with this jury.

At the end of the case for the prosecution, I looked, with a shrug of the shoulders, towards my twelve friends, as much as to ask the question in dumb show, would they like me to address them? To my astonishment, they all, and more particularly the foreman, met me with severe looks. I therefore proceeded to address them, and, having argued upon the merits of the case, stated that, if they were not satisfied with the observations I had made, Lord Suffield and another director would enter the box, to give their opinion of the defendant's character, and of the position of the company at the time the alleged false representations were made. I looked at the jury again, expecting to get some expression of opinion; but once more was I grievously disappointed. I called my witnesses, and among them, his lordship, who bore out precisely the contentions I had urged on behalf of my client. The Judge summed up, and the jury turned round in their box to consider their verdict. They consulted together for some considerable time, and I confess that I soon began to lose my temper. What on earth could it mean? In a little while the foreman turned round and said, "My lord, we can't agree—we should like to retire and talk it over;" and retire they accordingly did. Hours passed by, and when at length the ordinary time arrived for the rising of the Court, the jury were sent for. They stated that there was not the smallest prospect of their coming to a unanimous conclusion, and they were accordingly discharged.

As I was picking up my papers with, I am afraid, a somewhat fiendish expression upon my face, the foreman of the jury, accompanied by one or two of his fellows, approached me on the way to the corridor. Pausing for a moment, he said:

"Very sorry, Mr. Montagu, couldn't vote for you in the last case. We always like to give you a verdict when we can; but we really couldn't do it this time."

"What on earth do you mean?" I said. "I never heard of such stupidity in the whole course of my life. The man is as much guilty as you are."

"Ah," was the reply, "he's your client, of course, and we know you're very staunch. But not a bit of it—I hate them d——d lords. What business, sir, has a lord turning shopkeeper? What right have they to become tradesmen? Let 'em be lords, or let 'em be tradesmen. I don't like 'em as lords, but when they combine the two, you may depend upon it there's fraud somewhere, and they don't have no vote of mine;" whereupon, looking at me with a knowing wink, he passed from the Court into the corridor.

The case was adjourned until the following sessions, the Judge allowing the defendant out upon his own recognisance. When the trial came on again in the following month, the Judge stopped it almost at its inception, telling the jury that the matter had been before him at the previous sessions, that, for some reason which he could not fathom, the jury were unable to agree, but that he was bound to say, after having heard the evidence, that he did not think it in any way safe that the defendant should be convicted for fraud. A verdict of acquittal was accordingly taken.

One day, I was travelling on the Underground Railway to Farringdon Street, having to attend two or three cases at the Middlesex Sessions. Several persons were in the compartment with me, and, as I perused the daily paper before me, I could not help following a portion of their conversation. As the train was drawing up to the platform, one of them said:

"Are you getting out here? Why, what are you doing in this part of the world?"

"Oh," replied the person addressed, "I'm on that infernal jury at the Middlesex Sessions. I've been there the whole week. But I've had my revenge—I've not let a single chap off yet."

Needless to say, I was somewhat amused. Walking from the station to the Sessions House, I robed, and proceeded into Court. It so happened that I was in the opening case, having to defend a man who was charged with felony.

My first business was to look towards the jury-box, and there, sure enough, in the front row, I spied my fellow-passenger of a few minutes before. Of course, when he took the book in his hand to be sworn, I promptly challenged him. He left the box, and I took care to keep my eye on him till the end of the session.

One of the most melancholy things that ever happened to

my professional friends was the sudden collapse of poor Ballantine. He went out to India to defend the Guicowar of Baroda, having a fee, I think, of ten thousand guineas. Upon his return, he speculated with that large sum of money upon the Stock Exchange, and lost the greater part of it. From that time he seemed to attend to business less and less, and gradually became an altered man. In 1882, a year after his return from India, he wrote his book of reminiscences. He then resolved to quit the Bar for a period, and go to America for the purpose of giving readings from his book.

He was received everywhere by our American cousins with lavish hospitality and every incentive to success; but somehow or other, his brain was no longer as strong as it had been, and his tour was not very successful. One of the literary lights of New York afterwards described his entertainments to me as the "Reminiscences of a Serjeant Who had Lost His Memory."

Ballantine returned to this country, broken down in health and pocket. But he had excellent friends, and the remainder of his life was passed in comfort. He always used to come to me in all his troubles, and I really felt for him very much. Upon one occasion, while describing to me a serious fit of illness that he had had, he declared, in his extraordinary way, that he had died and come to life again. I asked him to explain his meaning, and, in that careless manner of talking he had, he said:

"My dear Montagu, I am certain that I died. I was lying exhausted in bed, and I felt the strangest sort of sensation come over me. My senses were going, and I said to the woman who was attending me: 'Please go out of the room, and don't let any one come in.' You know, my dear fellow, there were very many things in my life which I might talk about in my delirium, but which I should not care to have repeated. She left the room, and as soon as she had done so, I was seized with the strangest sort of fantasy of the brain. As I sank back on my pillow, the breath seemed to leave my body, and the last words I uttered were: 'I wonder who I shall be introduced to next.'"

Poor fellow! I saw him almost at the last. He died at Margate, in the month of January, 1887. A few days before his death, he sent for me. When I arrived at his bedside, he, feeling his end to be rapidly approaching, expressed a wish to see his son Walter. Unfortunately they had not been on good terms for some time. I am bound to say, knowing intimately all the facts of the case—having acted in their differences as a

mediator—that the fault lay almost entirely with the poor Serjeant. He could not control his tongue, and the things he had said of his son were very disgraceful.

I telegraphed to Walter, who was recovering from the scarlet fever at Monte Carlo. Ill as he was, he at once came over to this country, and, having seen me in London, hurried down to Margate. He was reconciled to his father, and remained with him to the end.

CHAPTER L.

EXCUDENT ALII SPIRANTIA MOLLIUS ÆRA.

Belt against Lawes—The alleged libel in *Vanity Fair*—Busts in Court—An adjoining room used as a studio—A piece of bad generalship—Apparent changes of front—The three conspirators, the secret chamber, and the "ghost"—Evidence of Sir Frederick Leighton, Mr. Thornycroft, and Mr. Millais—Verdict—Invoking the aid of the Bankruptcy Court—Richard and Walter Belt charged with fraud—Paying £8,000 for trashy jewels—The sentence on Richard Belt.

ONE of the longest trials of my time was the action of Belt against Lawes, the hearing of which occupied forty-three days. This was the very last case that was tried in Westminster Hall. The Judge was Mr. Baron Huddleston.

Sir Hardinge-Giffard, Q.C., Mr. Pollard, myself, and Mr. Cavendish-Bentinck were counsel for the plaintiff; while Mr. Charles Russell, Q.C., Mr. Webster, Q.C., and Mr. Lewis Coward represented the defendant. Mr. Houghton watched the case on behalf of a person interested, named Verhyden.

The libel that was the cause of action appeared in *Vanity Fair*, and ran as follows:

"After leaving Mr. Lawes' studio, in 1875, Mr. Belt began to do business on his own account. He published as his own work the statue of Dean Stanley, of which a good deal has been lately heard. This statue, however, was worked for him by Mr. Brock, as Mr. Brock himself declares. In like manner, the memorial busts of Charles Kingsley and of Canon Conway, which also appeared as the work of Mr. Belt, were, in fact, invested by Mr. Brock, as Mr. Brock himself declares, with whatever artistic merit they possess. Mr. Brock, equally with Mr. Lawes, declares that Mr. Belt was himself incapable of doing anything in the shape of artistic work. Mr. Verhyden, Mr. Brock, and Mr. Lawes state that Mr. Belt was quite incapable of doing any artistic work whatever. The point is that, if our information is correct, he has systematically and falsely claimed

to be the author of the works of which he was only the broker; that he presents himself as the sculptor and the artist, when in reality he is but a statue-jobber and a tradesman. If, then, the statements made to us are true—and we frankly avow that, at present, we fully believe them to be perfectly true—Mr. Belt has been guilty of very scandalous imposture, and those who have admired and patronised him as a heaven-born genius are the victims of a monstrous deception."

Another libel complained of was contained in a letter written by the defendant to the Lord Mayor in the following September. In reference to the competition for a memorial advertised for by the Corporation, his lordship's attention was drawn to the statements in *Vanity Fair* quoted above, which statements, the writer of the letter declared, remained uncontradicted. He added that no denial of the allegations could possibly be substantiated.

Of course, it will only be possible here to allude to a few points in this most protracted trial. I may mention that the case created the greatest excitement in society. A number of persons ranged themselves on the side of Mr. Belt, while others took up the cudgels for Mr. Lawes. An enormous sum of money was subscribed by people in the Art world to support the former, who was, comparatively speaking, a poor man. On the other hand, nearly all the Royal Academicians—certainly all the principal ones—proclaimed themselves hostile to him. Feeling ran so high that old friends quarrelled about the respective merits of the litigants, and as to the probable result of the proceedings.

Some amusing incidents took place during the trial. A number of busts, alleged to be the work of Mr. Belt, were produced in Court, being ranged along a temporary platform erected in the solicitors' well.

I think it was on the fourth day of the trial that the Judge, in the presence of the leading counsel for the plaintiff (Sir Hardinge-Giffard), observed:

"It is my intention to have a stage erected in Court, and to let Mr. Belt do some of his work while the trial is going on—I mean, execute some sort of bust of an independent individual." His lordship added, "I will not suggest Mr. Russell or Sir Hardinge-Giffard;" upon which the plaintiff, who was in the box, said, "I should like to do your lordship."

This proposal, however, was not acceded to. It was finally decided that a room should be set apart for Mr. Belt to work in, under such supervision as would render it impossible

for him to receive any assistance, and that he should model a man named Pagliati. A bust of that gentleman, who had attended the studio of Mr. Belt, was in Court. It was a remarkable piece of work, and was positively sworn to have been executed by the plaintiff.

Mr. Belt worked away at the bust for several days, and, when finished, it was produced in Court, being placed beside the original bust of Pagliati. I think it went a long way to determine the result of the trial.

I cannot help thinking that, at one point of the proceedings, those conducting the defence were guilty of a piece of bad generalship. This was when Mr. Webster suggested that the plaintiff had forged one of the documents produced in evidence. The plaintiff was cross-examined on this point, and it was my good fortune—both my leaders being at that moment absent—to re-examine him. He indignantly denied the assertion, and the jury, evidently believing him, seemed from that moment to take a very strong view in his favour. Odd things often control verdicts, and I can't help feeling that this incident went a long way towards winning our case.

As soon as Mr. Belt saw the statements in *Vanity Fair*, he repaired to the office of that journal and demanded an explanation. Having been informed that Mr. Lawes made himself responsible for the statements in the paragraph, he was challenged to submit his whole artistic career to a searching examination. Knowing that *Vanity Fair* had a large circulation, and that the libellous imputations had been sown broadcast, both in this country and abroad, he determined that he would make the whole matter public, and that he would take the opinion of a British jury as to the truth or falsity of the accusations brought against him. He had a great many admirers and patrons, many of them being persons of influence, and they supported him in what they considered a bold and proper course. He also received assistance from the purses of many merchant princes, and others in affluent circumstances.

In reading the evidence one is struck with the fact that the defence seemed more than once to change their front. In the first instance they asserted that Mr. Belt was a vulgar swindler, without a spark of artistic ability. Subsequently they admitted that he was capable of making superficial alterations in the busts, and of executing an exceedingly good likeness in clay. As a matter of fact they had no alternative but to admit this. The jury had the new bust of Mr. Pagliati before their eyes. Belt had wrought it in an adjoining room, without assistance. Some of the jurymen had, before the sitting of the Court in the

morning, and during the adjournment for luncheon, strolled into that room, and watched him at his task. The evidence of their eyes, therefore, was in opposition to the original theory of the defence, namely, that Mr. Belt was an utter impostor. It was a part of that theory that there had been three conspirators who had banded themselves together, in conjunction with the plaintiff, to defraud the public. These three were, Mr. Verhyden—the real genius, as it was contended—who was called as the principal witness for Mr. Lawes to prove the accusations; Mr. Curtis, who was a witness for Mr. Belt, and denied them; and Mr. Walter Belt, the plaintiff's only brother. It was alleged—and the allegation reminds one of what one sees in the pages of sensational novels—that the work was executed in a secret room or studio, to which no one but the conspirators themselves had access; that the busts were worked upon by Belt before visitors, after others had made considerable progress with them; and that he only put, here and there, a touch which anybody knowing the rudiments of sculpture could do, and which did not involve any real artistic talent. It was alleged that the statue of Lord Byron, now standing in Hyde Park, was executed in this mysterious chamber, and that Mr. Sholtz and Mr. Harrison, both of whom were sculptors, had in reality built that statue up. Mr. Mellen, the caster, swore that, when he asked Mr. Harrison who was the real author of the colossal statue, that gentleman replied, "The ghost." Mr. Harrison, on being called, swore that the statement of the caster was a fable from beginning to end. It was urged for the defence that Mr. Belt was an exceedingly good business man, and that he had a great faculty for obtaining commissions in fashionable society. His side, on the other hand, contended that he was a man who, by excessive industry, constant application, and powers of long endurance, had raised himself from absolute obscurity—he was, indeed, a man of very humble origin and slender education—to a distinguished position in his profession, and that he thereby had aroused the enmity, rivalry, and jealousy of those who, with far greater educational advantages, but with not one-fortieth part of his talent, had remained comparatively unsuccessful.

From Sir Frederick Leighton, the President of the Royal Academy, downwards, nearly every artist of reputation was placed in the box, and gave most damning evidence against Belt. They picked out the works which, in their opinion, he was capable of executing, and specified others—of course those of the greatest merit—which they said were far beyond his powers. One after another, the flower of the Royal Academy,

descending to detail, pointed out the various features of the different busts which, in their opinion, supported their contentions, as well as the various features which demonstrated the impossibility of one hand having done all the work.

For years the air had been poisoned with rumours against the honesty of Mr. Belt. Apparently those rumours had originated in a quarrel between Mr. Belt and Mr. Verhyden. It was contended that, from the time of this disagreement, the latter had gone about systematically spreading the rumour that Mr. Belt was not the author of the Byron memorial and of other works, but that he himself was—in point of fact, that he was the "ghost."

Large monetary payments were traced from Belt to Verhyden; and the weak point of the former's case was that he had, apparently, kept no accounts. His strength, of course, lay in the evidence of those witnesses—called to rebut the testimony of the Academicians—who swore that they saw Belt execute the works. Their evidence applied to nearly all the busts produced in Court, and therefore, if they were to be believed—and many of them were persons of the highest standing—they were in a position to prove that our client did actually perform the tasks to which the Academicians declared he was unequal. Perhaps the most notable of these witnesses were Mr. Morris, an artist who positively swore that he saw Belt execute the bust of Canon Conway, from start to finish; Mr. Alexander Yorke, who swore that he suggested certain important alterations in the bust of his brother, Mr. Reginald Yorke, and that he saw the sculptor carry them out; and Canon Wilkinson, who gave evidence of a similar character with regard to the bust of his wife.

Besides the President, two other very important members of the Academy were called, namely, Mr. Thornycroft and Mr. Millais. Certainly no better experts, and no more honourable gentlemen, could be found; yet, if their evidence were correct, Belt was an arrant impostor. When the second bust of Pagliati was shown in Court, the three distinguished Academicians to whom I have just referred gave it as their undoubted opinion that, as compared with the terra-cotta bust of Pagliati originally produced, it had no artistic merit. This was the sworn evidence of these three gentlemen; but a Mr. Mallenpré subsequently came forward as a witness, and swore that he saw Belt working on the original bust. This rebutting evidence of course entirely smashed the mere hypothetical evidence of experts, even of the position of Sir Frederick Leighton, Mr. Thornycroft, and Mr. Millais.

Mr. Verhyden made, I thought, a remarkably bad witness. It was apparent to the most ordinary observer that his testimony was prompted by the bitterest feelings towards the plaintiff. He produced a diary which he said he had kept with the object of some day exposing his former friend and master, and of bringing to the knowledge of the world the pseudo-sculptor's gross cheating and imposture.

There was an undisputed £300 paid to Verhyden. He, on the one hand, swore that the money was given to him for the execution of the Byron memorial; while Belt, on the other hand, positively asserted that the sum was paid by him to the witness for certain drawings, or cartoons, that were subsequently used for the erection of windows in a cathedral.

There really seemed at one time to be no prospect of this remarkable case being brought to a conclusion. But, at last, on the 28th of December—more than a year from the commencement of the trial—a decision was come to. On the date in question Mr. Baron Huddleston brought his summing-up to a conclusion. The Court and the approaches thereto were thronged; and among the distinguished persons present were the Baroness Burdett-Coutts—a great patroness of the plaintiff—Mr. Burdett-Coutts, Lady Abinger, Lady Diana Huddleston, Lady Wiltshire, and the Honourable Alexander Yorke.

The jury retired at twenty minutes to one, and, after an absence of four minutes, returned into Court. The Associate put the question:

"Gentlemen, have you agreed upon your verdict? For whom do you find?"

The answer of the foreman was:

"We find for the plaintiff—damages £5,000."

Mr. Webster asked the Judge to stay execution, but his lordship peremptorily refused to do so. Sir Hardinge-Giffard then asked for a certificate for a special jury, and his application was at once acceded to. On the same day Messrs. Lewis and Lewis, the defendant's solicitors, wrote the following letter to the daily papers:

"10 AND 11, ELY PLACE, HOLBORN.

"SIR,

"We desire to state that, at the earliest opportunity, the summing-up of the Judge in this action, and the verdict, will be challenged by an application for a new trial.

"Yours truly,

"LEWIS and LEWIS,

"Defendant's Solicitors."

Next term a rule was applied for, and obtained, for a new trial. When it came on, to be made absolute—the same counsel appearing on either side—week upon week was consumed in reading the notes and in arguments. Eventually their lordships—the Lord Chief Justice of England presiding—decided against the defendant, refusing to set the verdict aside or to grant a new trial.

Elsewhere I have quoted the observation of Mr. Coleridge to the effect that it does not pay counsel to be in long cases. I certainly had a very forcible proof of the truth of this in the Belt case. The Judges having decided that there should be no new trial, Mr. George Lewis advised his client to take advantage of the assistance of the Bankruptcy Court, and to pass through it. This was done, and Mr. Belt accordingly did not receive the £5,000 awarded to him. The worst of it was that this involved a considerable loss of money to all the counsel engaged for the plaintiff. Some of our fees were paid, but others we never saw.

During the case I had suggested to the solicitor who instructed us that the refreshers were mounting up, and ought to be forthcoming, whereupon I was assured that the money would be all right. I felt, with my brethren, that it would be impossible to leave the case before its termination; and the result was that I had to suffer a loss of about five hundred guineas, not to mention the fact that, during the progress of this most protracted law-suit, I was prevented from taking other business to any extent.

In the month of March, 1886, I was again Mr. Richard Belt's counsel, but under very different circumstances. At the Central Criminal Court, before Mr. Justice Stephen, he was charged, in conjunction with his brother, Mr. Walter Belt, with unlawfully conspiring to obtain, by false pretences, various sums of money from Sir William Neville Abdy. Sir Charles Russell, who, since the artistic trial, had been appointed Attorney-General, and Mr. Poland, were instructed by Mr. George Lewis—Mr. Belt's old adversary—to prosecute; while Mr. Edward Clarke, Q.C., and myself appeared for Richard Belt, and Mr. Kemp, Q.C., and Mr. Charles Mathews for Walter Belt.

At the trial at Westminster Hall of Belt and Lawes, one of the earliest witnesses on behalf of the plaintiff was a Madame Petritzka, who testified that she was a friend of the sculptor's; that she had been in the habit of passing a considerable portion of her time at his studio watching him work (she being,

as she said, interested in art); that she had whiled away the time there with her needlework; and that she had seen him engaged on some of the busts that were produced in Court. She subsequently married Sir William Abdy, and I am under the impression that Belt had introduced him to her after, or at, the Westminster trial.

Sir William, in the box, stated that he had made Richard Belt's acquaintance in 1883, and that he had, quite in a friendly way, lent him a sum of £2,000, which was never paid back. Some time afterwards, he stated, Belt called upon him and said that he knew a lady who, being badly off, was anxious to raise money on some very beautiful jewellery that she possessed. Belt stated that she had left this jewellery with a Mr. Byfus, a solicitor, who had lent her a comparatively small sum of money upon it at an enormous rate of interest. The lady's name, Belt said, was Morphy, and he added that she had been the mistress of the Sultan, from whom she received the jewellery, which included Indian and Brazilian stones. The next day a man called at Sir William's house, bringing with him a tiara, a necklet, and several other articles of jewellery. These Sir William bought, paying for them a sum considerably over £3,000. In the following February, Walter Belt brought a riviera to him at the Grosvenor Hotel, and he agreed to purchase it for £1,000. Richard Belt was present at the interview. Other jewellery, which was stated to belong to the lady, and which was said to be of great value, was afterwards shown to Sir William and purchased by him. Altogether he paid £8,000 for jewels. Sir William afterwards placed them in the charge of Messrs. Lewis and Lewis, who produced them in Court.

Evidence was brought forward to show that the story about Mrs. Morphy was a concoction from beginning to end. It was proved that the jewellery had been purchased from small tradesmen, and was, comparatively speaking, worthless.

The jury found Richard Belt guilty of obtaining money by false pretences, and he was sentenced to twelve months' imprisonment with hard labour. His brother, Mr. Walter Belt, was acquitted.

CHAPTER LI.

ÆRUGO MERA.

A matter upon which my opinion was sought—Divided counsels—The undertaking I gave to the magistrate—I provoke the hatred of one of the parties concerned—A plot for my discomfiture—The farmer's visitors—They state their mind, and he grows indignant—My solicitors write a letter—The annoyance comes to an end—Mysterious disappearance of my dog Jack.

I WAS always of opinion that, however hard advocates might fight against one another in Court, everything was forgotten as soon as the case was over—that, in point of fact, the advocate was looked upon merely as the mouth-piece of those he represented, and that, if any feeling was engendered against him, either in witnesses whom he cross-examined or in parties whose conduct he had to comment upon, all was forgotten as soon as the verdict was returned. No doubt my view of the matter is a sound one; but there are exceptions to every rule. One of those exceptions arose out of a case in which I appeared a year or two before I retired from the Bar.

A solicitor and a firm of financial agents were alleged to have defrauded a young man of certain property. I have always, I may remark in passing, looked upon financial agents, as upon general dealers, with the gravest suspicion.

The papers were originally laid before me, that I might give my opinion as to the steps which should be taken. I strongly advised a criminal prosecution for conspiracy, stating that I was quite sure a magistrate would grant process for the alleged offence against all the defendants. The matter was a serious one, a very large sum of money being at stake. My solicitor, before proceeding, stated that he should like to have another opinion. He intimated his desire to consult a leading Queen's Counsel—a man who was, at that time, engaged in all the *causes célèbres*. "By all means," I said; "he has not had much experience in criminal matters, but you can't do better than take his opinion."

In a few days the solicitor reappeared at my chambers, and stated that the learned counsel, believing that it was not a matter for a criminal investigation at all, had expressed himself in favour of filing a bill against the defendants in Chancery, for an account, etc. I still stuck to my guns, and a joint consultation took place. My leader, though not fully convinced, eventually consented to the course I had originally proposed.

I duly obtained my summons against the defendants at one of the principal Police Courts.

The matter lasted before the magistrate for many weeks. I conducted the prosecution; the defendants were represented by the present Home Secretary, and by various other leading members of the Bar. I should mention that, before granting the summons, the magistrate, who was a remarkably shrewd man of the world, had stated to me that, if he granted process, I must undertake that there should be no monetary settlement of the case. As I considered the matter a very serious one, and not one for compromise, I readily assented to this condition.

In the end, the defendants were all committed to take their trial at the Central Criminal Court. They, however, applied to the Court of Queen's Bench and had the indictment removed to that tribunal by *certiorari*. The Court of Queen's Bench, I may mention, is the highest Court of Criminal Judicature in the realm. The trial was thus put off for a considerable period.

In the interval, many offers of settlement were made. The matter had gone out of my hands as leader, because the eminent gentleman who had been called in to advise with me had been chosen as senior counsel. He had no objection to a settlement at all, and for the first time I think in my career, he and I had rather serious words together. However, the relatives of the young man—who had lost many thousands—were anxious that as much spoil should be got back as possible, and eventually an agreement was come to by which our client was to receive, I think, £10,000.

Having given my word to the magistrate that no settlement should be come to, I was, of course, very angry and annoyed, and I positively refused to be in Court when the case came on. The settlement was arranged in the ordinary way.

For some reason or other, the principal member of this firm of financial agents conceived the greatest hatred towards me. Possibly he was incensed by my conduct of the case before the magistrate, or by my opposition to the settlement, or (and this is perhaps the most likely hypothesis) by the loss of so many thousand pounds. Be that as it may, he grew very savage. Being a foolish man, he went about giving expression to his vindictive feelings; and it was in consequence of this indiscretion that I became aware of his state of mind. The individual to whom I am alluding was quite a county magnate. He owned a property in one of the shires and was thought a good deal of, no one having taken the trouble to ascertain

where the money came from with which the estate was purchased. He drove a four-in-hand, and entertained very largely at cricket matches and other social gatherings. It so happened that my good old friend, William Yardley, who so distinguished himself as a bat in the Cantab Eleven, was present when one of the matches took place. At lunch, as luck would have it, my name was mentioned, whereupon the host became furious and said:

"I hate the sight of that fellow. I'll never rest until I do him an injury. He was once counsel against me and cost me many thousands of pounds, not to mention a very large sum as law costs. I understand that he's got some shooting not far from here, that he is very keen about the sport, and that he is fond of having his friends down there. I've determined to spoil his fun, and I have a scheme laid which is certain to succeed."

Naturally, Yardley, as an old friend of mine and one who frequently visited me at Burnham, fired up with indignation at this statement, and left the place as soon as he could conveniently do so. He lost no time in letting me know what had transpired; but, regarding the threat as an idle one, I merely laughed, and let the matter pass.

Adjoining my shooting at Burnham was some land which I rented from a farmer, as it was absolutely necessary for the purposes of my sport. The farmer was a very pleasant fellow, and it was my custom every year, on the first day that I shot in September, to invite him over as my guest. In this particular year I commenced my shooting on the first of the month, when my neighbour and landlord was, as usual, one of the party From the first moment I set eyes upon him, I saw that there was something on his mind. During the afternoon we walked over the stubble together, and this gave him his opportunity. He stated that, a few weeks before, a man had called upon him and expressed a wish to rent his ground, adding that money was no object at all. My friend the farmer had replied that the land was already let to me. The man, who it appeared looked like a land agent, took his answer and departed. A few days afterwards he returned, accompanied by another man, whom, from the description given me, I was not slow to recognise as the individual who had been Yardley's host and against whom I had appeared in Court. It seemed that he had offered the farmer any sum of money for the right of shooting upon this particular piece of ground, and, on being met with repeated refusals, had said:

"If I have your ground, I can ruin Mr. Montagu Williams'

shooting. I owe him a grudge; I don't mind what it costs me to pay it. Money, I tell you, is not any object at all. Mr. Williams, I find, only holds your ground from year to year; so throw him over, name your own sum, and the matter is settled. This is my land agent."

My friend the farmer—a fine old specimen of the British yeoman—flew into a tremendous rage, and told his visitors that if they did not immediately leave his premises, he would call a couple of labourers and have them kicked off.

On my return to town, I instructed my solicitors to write a letter to the farmer's two visitors, conveying my knowledge of their action, informing them that there was such a crime as conspiracy to injure a man in his business or his rights, and stating that, if I heard one single word more upon the subject, I would prosecute them both.

From that time forward I was left in undisturbed enjoyment of my shooting; but I have good reason for believing that matters did not rest here.

At my cottage at Burnham I had a dog—a Bridlington—named Jack. A more faithful creature never lived, and during my sojourn in the country—for I kept him down there—he was my favourite and my friend. Upon entering the cottage one morning, at the latter end of the shooting season of the same year, I saw blank expressions upon the faces of the man and his wife who acted as my housekeepers. Jack was gone. I had no direct evidence as to what became of him, but I drew my own conclusions. The poor fellow never appeared again.

CHAPTER LII.

HÆC UBI PACTA FIDES UBI CONNUBIALIA JURA?

Birchington-on-Sea—A case of alleged fraud—The prisoner attempts to commit suicide—He is admitted to bail—My speech for the defence—Tokens of gratitude—The kindness of Mr. Justice Stephen—The Brighton Bigamy case—Marrying in haste—A question of identity—Captain or butcher?—Some strange coincidences—The new trial.

It was at the end of 1884 that I first felt an affection in my throat. At first, I treated this merely as a hoarseness, and consulted my ordinary medical man. As, however, I grew worse instead of better, I took the opinion of those who were recommended to me as the best specialists. At the end of the autumn of that year, my throat got somewhat worse, and I was advised to go down to the sea for a month or so, and have complete rest. I was told that, if I did this, in all probability

the affection would cease to exist. I did as advised, and passed two very quiet months at Birchington-on-Sea, coming up to town only occasionally, and only for very important consultations. A quieter place than this small colony of bungalows could not possibly be imagined. The *régime* prescribed for me was successful, and my voice became gradually better. When, indeed, I returned to the hard work of my business, the trouble seemed to have completely passed away.

All went well until the month of June, 1885, when I had a relapse, under circumstances that I will relate.

A poor fellow was charged with fraud, and of all the men that I ever defended, I do not think that I was ever more sorry for any one than I was for him. His name was Scott. The charge against him was that of unlawfully obtaining a cheque for £5,000, with intent to defraud.

Scott was a partner in the house of Beasley, Brown, and Co., of Tower Hill, merchants, and he was prosecuted by Messrs. Dyster, Lander, and Co., of 6, Crosby Square, hide-brokers. The facts of the alleged fraud were these. The principal partner in the firm of Dyster, Lander, and Co. advanced to Scott a sum of £3,800 on hides, shipped by the *Illawarra*. A few days after this transaction, Scott called again at the office of the firm, and said that another lot of hides were coming by the same vessel, and that he should want an advance on them. He said: "It will be about £5,000. I will give you particulars later on." In a few days he called again at the office, bringing with him a paper memorandum, on which was written: "Further lot per *Illawarra*. Want £5,000." A cheque for that amount was handed to him, and, proceeding to the bank, he paid it in to the account of himself and partners.

Now, there is no doubt that this was a false statement. There was no second lot of hides to be received by the *Illawarra*; but of course, if the advance had been paid back before the vessel arrived, there would have been no further inquiry into the transaction. I am perfectly convinced that my client, when he made the representation, was of opinion that his firm would be able to liquidate their liabilities before the *Illawarra* arrived. He had, indeed, every reason to come to that conclusion. Not one single shilling of the £5,000 went into his own pocket. All the money was used for the purposes of the firm. It appeared from his statements—though, of course, I was not able to prove it—that what he had done had been done solely in the interests of his partners.

There were other pieces of evidence which, I am bound to

admit, looked very black against my client, though I am none the less convinced that the poor fellow was entirely innocent of any intention to defraud.

When Scott heard that a warrant was issued for his arrest, he was down at his house at Halliford-on-Thames, with his wife and child. He had some rooms in Wimpole Street, which the family occupied when they came up to town. Always a very fond husband and father, this morning, before leaving, he seems to have been more affectionate than usual. Arriving in London, he proceeded straight to the rooms in Wimpole Street, where he attempted to commit suicide by taking poison. Somehow or other he managed to survive the dose. Though near to death's door for several days, he eventually recovered sufficiently to be removed to the Guildhall, and brought up before the sitting alderman. Anything more terrible than the poor fellow's state, and anything more heart-rending than the grief of his young wife, I never saw.

The alderman committed him to take his trial. I pleaded very hard for the prisoner to be allowed out on bail, offering sureties to any amount for his attendance at the sessions. His worship, however, refused to grant my application, on the grounds that the prisoner had already tried once to commit suicide, and might try again. However, from the decisions of magistrates, in cases of this description, there is an appeal to one of Her Majesty's Judges sitting in chambers, and to that tribunal I accordingly went. My Judge was Sir Henry Hawkins, who is the kindest man in the world where women, children, or animals are concerned. Stating the case with all the power that I possessed, I eventually prevailed upon his lordship to admit the man to bail.

The trial took place before the Recorder of London (Sir Thomas Chambers), on the 24th of June and the following day, and in the end the prisoner was acquitted.

It was during my speech—a long one—in this case that I felt my voice go, never actually to return. Poor Scott knew it. While I was lying ill at the private hospital, his wife never missed a morning to call there, make inquiries, and leave a bunch of violets or some other flowers, to show that I was not entirely forgotten—the world not totally ungrateful. It is only three weeks since the poor fellow called at my present residence, and wished me "good-bye." He was sailing to the colonies, to endeavour to begin his life again.

I still continued, however, to pound away at my work, though my throat gradually got worse.

I happened to be specially retained in a case upon the Eastern Circuit, tried before Mr. Justice Stephen. It was a matter of great importance, and I was for the defence.

On the second day of the trial I experienced the greatest agony in my throat, and spoke so hoarsely, when addressing the jury, that I had to get quite close to them in order to make myself heard.

I shall never forget the kindness of the most excellent Judge who was presiding, and who, under a crust of stern severity, conceals the gentleness of a woman. While I was speaking, I noticed that he had gathered up his papers and was about to shift his position. In the tenderest possible way, he said:

"Go on, Mr. Williams. I don't want you to come nearer to me, because then you will be further off from the jury; but I am coming down to you, as I don't wish to lose one single word you have to say. I see you are suffering pain."

His lordship then came down, and sat in the seat at the counsel's table usually occupied by the Clerk of Arraigns.

One of my last trials of any sensational importance was that of James Malcolm, who was charged with feloniously marrying Emma Dash, his wife Elizabeth being then alive. The case was known as the "Brighton Bigamy." It came before Mr. Justice Hawkins, and occupied five days. Messrs. Poland and Horace Avory conducted the prosecution, while the prisoner was defended by myself and Mr. Warburton.

The facts brought to light showed how easily young women are wooed and won. This was one of the most extraordinary cases of modern times, and had principal reference to a question of identity.

It appeared that, in the previous Easter, Miss Emma Dash met the prisoner on the Parade at Brighton. He introduced himself as Captain McDonald, and said that he had met her at a ball in London. The young lady at the time was in the company of her mother. As they all three walked along together, the gentleman explained that, four years before, he had been engaged to a young lady, that her mother would not allow them to marry because she was so young, and that, when he returned from his last voyage, he found that she was married. He went on to say that, if ever he got married, he should take his wife to sea with him.

The Captain called at their house that same afternoon, having received permission to do so. After some conversation, he prevailed upon the mother to allow her daughter to go out

for a drive with him. They drove to Lewes, and put up at the "White Hart Hotel, where they had dinner. Soon after five o'clock they left, and drove back to Brighton. At the railway station they parted, the gentleman catching the 8.40 train to London.

All this happened on Sunday, the 29th of March. When they parted at the railway station, the Captain told the young lady that he would telegraph to her. Next day she received the following telegram:

"CAPTAIN MCDONALD

to

MISS DASH, 10, Broad Street, Brighton.

"Regret to say it is impossible to get down to-day. Will arrive to-morrow by the 1.7. Hope you are well."

Next day she received this telegram:

"Will be at Brighton 12.34. Should you see same coachman on the way up, bring him to station. Will go long ride. Lovely day."

The young lady met him at the station. They drove to Worthing, and, having dined there, returned to Brighton. The prisoner left for London by the 8.40 train. Shortly before his departure he asked the mother whether she would give her consent to his marrying her daughter. She said that she had only known him for a very short time, but finally consented. He said that he would get the license on the following day. In the course of the conversation that took place that evening, he mentioned that his ship was the *Kaikoura*.

Next day the young lady received a telegram directing her to meet the prisoner at the station at five o'clock. She did so, and on his arrival, they went with the license to a clergyman. The prisoner said he wanted to be married on Good Friday, but the clergyman refused to perform the ceremony on that day. Eventually it was arranged that it should take place on the following Saturday. The prisoner came down to Brighton on the Thursday, when it was decided that the young lady and her relatives should meet him at St. James' Church at eight o'clock on Saturday morning.

The ceremony took place; among those present being the bride's mother, a Miss Lewis, and a Mr. May. After the break-

fast, the couple started for Chichester. They remained there until Monday evening, when they returned to Brighton at about half-past eight. The prisoner then went away, for the purpose, as he said, of going to his ship and making arrangements to receive his wife there.

From that time until the prisoner was taken into custody, nothing more was seen of him by his bride. The marriage, I may say, took place exactly a week after the parties first met on the Parade.

It appeared that a Mr. Osborne, who had been at the wedding breakfast, was present some months afterwards at a garden party at Fulham, given by the Butchers' Company. In the gathering he saw a gentleman dressed in Highland costume, whom he at once recognised as the recreant bridegroom. Mr. Osborne tapped him on the shoulder, and accused him of being the man who married and deserted Miss Dash at Brighton. The person addressed denied this statement, and said his name was Malcolm. On the 13th of July the young lady herself was confronted with the butcher—for he turned out to be a butcher, and no captain—and claimed him as her husband. The gentleman denied the soft impeachment, declared that he had never been to Brighton in his life, and asserted that he was married to somebody else. He stuck to this statement from start to finish.

The unfortunate bride, the clergyman, and all those who had been present at the ceremony, entered the box, and swore positively, that Malcolm and McDonald were one and the same person. On the other hand, I called a host of witnesses who swore, equally positively, that Malcolm was in London at the time when, according to the theory of the prosecution, he was making love and being married at Brighton.

The prisoner, who was a meat-salesman in Newgate Market, received a most excellent character, and was alleged by his master to be a stringent teetotaler. A very remarkable piece of evidence was brought forward by me. It was that of the manageress of the hotel at Brighton where my client was alleged to have put up. She stated, that on the night before Good Friday, a Captain McDonald was sleeping at her hostelry, but that the accused undoubtedly was not that person.

My client had a peculiar scar on his face—so, the witnesses all swore, had Captain McDonald. It was a remarkable circumstance that the name of the ship which Captain McDonald had stated he commanded, namely, the *Kaikoura*,

was the identical name of a vessel which, a few days before, had brought over a cargo of meat from Australia to Malcolm's master. The signature on the marriage register was produced, and though the master butcher was evidently desirous of protecting his salesman, he was bound to admit that, in his opinion, the handwriting was that of Malcolm. The prisoner's wife could not, of course, in the present state of the law, be put into the box. She would naturally have been a most material witness.

The defence was in effect that there were two Dromios, so like one another that they could not be told apart. A remarkable coincidence occurred during the trial. While I was addressing the jury, and dwelling upon the probability that there were two men concerned who closely resembled one another, an individual, either by accident or design, wandered into the Court and took up his place underneath the dock, when it was immediately perceived that he bore a striking resemblance to the prisoner. It was, of course, not for one moment suggested that he was the mysterious bridegroom.

After a very patient investigation, and a summing-up from the Judge which was certainly not favourable to my client, the jury found themselves unable to agree, and were discharged without giving a verdict.

This case was a very severe strain upon me, and when the man was tried again, in the following session, I declined to accept the brief. He was defended by Mr. Fillan, convicted, and sentenced to five years' penal servitude. It subsequently transpired that Miss Dash was not the only woman with whom he had committed bigamy.

CHAPTER LIII.

VALE!

My throat gets worse—I consult Dr. Felix Semon—The analysis—A sentence of death—Arrival of the doctors from Germany—An excellent institution—The first words I uttered—I retire from the Bar—A public acknowledgment—Farewell words.

I MANAGED to get through my work somehow or other up to March, 1886. I had been becoming gradually worse, and I suppose I was looking most fearfully ill. Nothing seemed to do me any good, and I had exhausted all the medical talent I could hear or think of. One day, as was my custom, I went into the Beefsteak Club to dine—or rather, to go through the

formality of sitting down to dinner. Though I have several other clubs, I generally choose to spend my evenings in the Beefsteak, that pleasantest of all the coteries of London.

My old and esteemed friend, Arthur Chappell, sat next to me at table; and, in the kindest manner possible, he told me how distressed he was to see me looking so ill. He asked me whom I had consulted, and I gave him the names of the different medical men. Then he said:

"Why don't you go and see little Felix Semon? If there's any man can do your throat good, it is he."

Well, Chappell wouldn't let me leave the club until he had written down Dr. Semon's address in Welbeck Street, and until I had promised to visit the physician the next morning. I did so, and upon his turning the electric lighting apparatus down my throat, he at once exclaimed:

"What! Haven't they told you? You've a formation on the larynx. It is impossible for me, without extracting a portion, to tell you what the nature of that formation is. It may be innocuous; it may be malignant. When will you come again, for I shall have to paint your throat with cocaine in order to remove a portion?"

"Now!" was my answer.

He endeavoured to dissuade me, but I insisted. He accordingly removed a small portion, but he informed me that the quantity he had taken out was not sufficient for analysis, and that I must come to him again.

A day or two afterwards I, by appointment, once more visited the physician. He now succeeded in removing a sufficient quantity of the growth.

I had no idea that the matter was a serious one; neither had he. He told me he thought the formation was what is medically termed papillomata, a kind of wart that grew upon the interior of the throat. As it would take several days to have an analysis made of that which he had extracted, he said I need not call upon him again until the following Tuesday—that day week. I took my leave, feeling perfectly reassured.

On the day appointed, I returned to the physician's. I was in excellent spirits, and fancied my throat was somewhat better. Shaking hands with him, I exclaimed:

"I can't stay long, so you must tell me what you have to say at once, for I have fixed one or two consultations at chambers."

I had not observed him at all closely upon entering. Happening now to turn my eyes upon him, I found that he was as white as death. He said:

"You had better not go to the Temple to-day. I have a serious talk to have with you. Take off your coat and sit down."

Of course I saw at once that something was the matter. After beating about the bush for a little while, he told me that the report of the analysis had arrived late on the previous evening; then, softening matters as well as he could, he gave me to understand that the growth in my throat was malignant. I was sitting in a chair opposite to him, and, without moving, I said:

"That means death?"

He replied, "Yes."

"How long?" I asked.

"Impossible to give a correct answer, but a few months," was the reply.

"Good God!" I exclaimed, "there must be some alternative to this?"

He said:

"Yes, there is—an operation. But statistics are very much against you. I have prepared them for you, and have given the names of two or three operators who have been successful."

I perused the report, which he had taken the greatest possible trouble to draw up. Among the names, I came across that of Professor Hahn, of Berlin, who had been successful in the operation, and whose patient was still alive.

"That's the man for me," said I. "I shall have him and his assistants."

"Well," he replied, "then you will have to go to Berlin. If you determine upon it, I'll go to Berlin with you; but to Berlin you must go, if you insist upon having him, and not be operated upon here. But I don't wish to, nor will I, influence you in the slightest degree."

"To Berlin," said I, "among strangers? No! I am not able to speak one single word of the language. No; certainly not. Berlin must come to me."

He remarked that the expense would be very great. My answer was:

"What is that to me? This is a matter of life and death. Sit down, please, and telegraph to Germany as follows: 'What are your terms for coming with all the assistance, etc., necessary to perform an operation of extirpation of the larynx, and not leave until the patient is dead or out of danger?' Now give me that telegram. I'll take it to Vere Street, and you will get

an answer by to-morrow morning. I'll come round and see what the answer is."

Never shall I forget what my feelings were as I stood in Oxford Street, looking at the passing cabs and omnibuses. I really thought that, if I did not hasten and tell somebody of my trouble, I should go mad. My daughter, Mrs. Stewart Richardson, was at her husband's place in Scotland, and was in a very delicate state of health. She was the only near relative that I had left. My executor and friend, Willie Mathews, was away on circuit; but my oldest and most intimate friend, to whom this book is dedicated, and to whom I owe a debt that never can be repaid, lived in the neighbourhood, and to her I repaired, and detailed the circumstances of my misfortune.

The answer duly arrived from Germany the next day. I immediately wired back: "Terms accepted. Start at once."

On the following Saturday the doctors arrived in London from Berlin. On the Sunday a consultation was held between them, Dr. Semon and my good friend, Sir James Paget, whom, being the head of English surgery, I had requested to attend the operation. It took place on the following Monday at that excellent private hospital, Fitzroy House, Fitzroy Square.

Everything was most successful, and within a month I was able to crawl about. I was speechless, of course, for a considerable period. It was, indeed, doubtful at first whether I should ever regain my voice at all. One morning, Sir James Paget came to the hospital with the German surgeons—who were about to take their departure from England—and said: "Now, Montagu Williams, try and see if you can speak." And the first words that came from my lips were: "Gentlemen of the jury."

I recovered my health, though my constitution was considerably shattered by the shock. Owing to the care subsequently taken of my body by my excellent friend, Robson Roose—who seems to possess a panacea for the ills of mankind—I gradually became strong again.

I interviewed Sir James Paget in reference to the future, and he confirmed the opinion that had already been expressed by my preserver, Semon—namely, that it would be dangerous to my life for me to continue my practice. I therefore retired from the Bar, and, having been made a Metropolitan Magistrate by the present Home Secretary, I was created a Queen's Counsel by my old friend, Lord Halsbury, the present Lord Chancellor.

I have alluded shortly to this somewhat sad episode in my career for many reasons: firstly, I thought it desirable to explain how I came to retire from the labours I had loved so well, at a time when, in point of fact, I was practically master of the situation; secondly, I thought my experience might be of use to any one who might labour under the terrible affliction that befell me; and, thirdly and principally, because it gives me an opportunity of publicly tendering my thanks, and expressing my gratitude to the myriads of friends and acquaintances who rallied round me in my hour of pain.

My task is now finished, these Leaves of my Life are penned; and to those of my readers for whom I have been able to while away a tedious hour, and to such of them—if any there be—who have derived some pleasure from perusing this volume, I bid adieu in good old Roman fashion, and say, *Vos valete et plaudite.*

AUTHOR'S NOTE.

THESE Reminiscences are by no means so comprehensive as I had originally intended them to be. As I proceeded with my task, I found that considerations of space forced me to ignore many *causes célèbres*, both civil and criminal, in which I had been engaged; for example, the Overend and Gurney case, the Strike prosecution, and the Spirit-Rapping, the Merchants' Company, and the Great Eastern Steamship Company trials. I trust that the selection I made of the material at my disposal was a good one.

APPENDIX.

THE following is the text of Mr. Montagu Williams' address to the jury in the trial of Lefroy:

May it please your Lordship, and Gentlemen of the Jury,—This is no ordinary case of murder that you are sworn to try. There is no question here as to degrees of crime. It is not a question of the sanity or insanity of the person accused. It is not a case in which mercy is likely to be extended. It is essentially a question of murder, and it is your duty to inquire into it—a duty which is cast upon you by the obligations of the oath which you have taken. It is for you to say, when this matter is concluded, whether this young man, for young he is—he is only twenty-one years of age—is to walk out a free and unshackled man into the light of day, or whether he is to suffer a violent and ignominious death, and be sent, with all his sins upon him, into the presence of his Maker.

Gentlemen, there have been many witnesses in this case, and I think I am right in saying that the chain must be a continuous one and a strong one—so strong that it is your duty in every possible way in favour of life to try to break it. The material must be such, and it must be forged in such a manner, as to withstand every possible test; otherwise the prisoner is entitled to your verdict of "Not Guilty." It has been said that there are many grains of sand in this case, which, taken together, constitute a mound, such a mound that neither the fury of the storm, nor the strength of the strongest wave, can scatter it. If, in any particular, it fails in substantiality, the prisoner is entitled to your verdict.

I have one fault to find with an expression that was used—and it is the only fault I have to find with the way in which this case has been conducted. The Attorney-General said that the prisoner is entitled to the benefit of a doubt. There is no benefit; it is a right to which the prisoner is entitled. If, after reviewing, and carefully reviewing, every particle of evidence brought before you on the part of the prosecution, you are not absolutely as certain as human intellect can be certain, that the prisoner at the bar committed this murder, he is entitled to be acquitted. You are asked by the prosecution to enter upon a large and serious speculation. I warn you against doing so, lest you get far beyond your depth, and become utterly submerged.

Now, gentlemen, I submit to you that the very first starting-point of the chain of evidence is wanting, and without any preface, I will proceed to prove it. Mr. Gold, the unhappy man who met with his death on June 27th, had been a tradesman. He had been a well-to-do man, and had acquired

sufficient property to enable him to retire from business, and to live, as he hoped and believed, the remainder of his days in peace. He was a man of some precision, and his habits were of a very regular character. It was his custom, among other things, to proceed every Monday morning to a shop belonging to him in the south of London, and collect the week's takings. He usually paid this money into the bank, but it was his custom on the Monday preceding the first of every month to bring down for his wife sufficient money for the month's housekeeping, which varied from £12 to £15. In a little sovereign purse, he was in the habit of carrying never less than £3 10s. or £3 in gold. It was also his custom to bring down his wife's dividends. These dividends would become due, if they were Consols, in the first week of July; but it was his custom frequently to bring down money to his wife in advance, that is, a week before the dividends became due. Now, the week of June 27th would be the last week of the month, and the 27th being a Monday, it would be in the ordinary course of events in the life of this very precise man, that he would bring down the money on that day. Even if he did not bring down the takings at all, he would have upon his body £3 10s. in gold, the money for the monthly housekeeping, and he would probably have the dividends to which his wife was entitled. Where is there a particle of evidence to show that the prisoner at the bar knew anything of this? Where is the tittle of evidence to show that he ever saw Mr. Gold in his life? Where, with all the opportunities the prosecution have had, with all the money they have at their backs, with all the solicitors and solicitors' clerks and counsel whose services they can command—where, I say, have they produced a particle of evidence that the prisoner ever knew one atom of Mr. Gold's affairs? Am I right, then, in saying that the first link has failed? Other people may have known Mr. Gold's habits and his customs, but not the prisoner at the bar. So far as we can learn, Mr. Gold was absolutely and completely a stranger to the prisoner.

The theory of the prosecution is that this was a planned murder—not a plan to take the life of Mr. A., B., C., or D.; but a plan to take the life of Mr. Gold, at a time when the accused knew that he had money upon him. I am glad, gentlemen, that I used the word "theory," for the case against the prisoner is purely theoretical, there not being a single fact to support the case of the prosecution. In the matter of probability or improbability, I say that the question is entirely in favour of the prisoner. The prosecution say that he started on June 27th with the deliberate purpose of murdering Mr. Gold, and that he went looking from carriage to carriage for his victim; but there is not a particle of evidence to support that accusation.

Let us look at the probabilities. Do you suppose that a man who intended to commit a murder would do so immediately after committing a fraud? What had he done in the morning? Undoubtedly a shabby trick —a misdemeanour, if you will. He had gone, or sent, to the shop of Mr. Ellis for the purpose of changing counterfeit coin—obtaining money under false pretences, and doing that which must fix him upon any question of identity. And, having done this, the prosecution say he committed this murder for the purpose of obtaining money. It is far more probable, I should think, that, if he contemplated anything of the kind, he would have put off committing this murder for another week. It is a very odd thing, too, that he carried his card in his pocket, and I repeat that, on the question of probabilities, the case is entirely in favour of the accused, and not against him. Nay, more, if he redeemed this pistol on the morning of

June 27th, do you think he would carry with him pawn-tickets bearing the same names as those which were found upon him? His own story is a simple one. He says: "I admit obtaining that money that morning, and I admit that I did go down to Brighton on that day. I had an appointment with a young lady; and that was the reason of my looking through the train." Is that as improbable, gentlemen, as the theory suggested by the prosecution? It may be said: "What right has a young man who has no money to meet a young lady in this way?" Well, the prisoner is a young man, and you cannot put an old head on young shoulders. Up to the starting of the train, when you come to the question of probabilities, the probability is in favour of the story told through me to-day. I will not now dwell upon the question of the articles found upon Mr. Gold, and I will allude to the pistol by-and-by. Mr. Gold, be it remembered, had, or would have had, two purses—one purse like that found in the neighbourhood of the line. When I come to the line I will call your attention to the spot where the purse was found. However, there were two purses. There were also two pocket-books. The purse like that which has been found would have had the £2 10s. or £3 in it. The other purse has never been discovered. One pocket-book was found on the body of the unfortunate man; the other is in some watery place. Then, as to the skull-cap, that is an important factor in the case, and will be an important matter when I come to deal with it. But where is that skull-cap? When we come to the theory of the third man in the carriage we shall have to deal with that cap. If the prisoner were alone, and committed the murder in the carriage alone—because that is the suggestion of the prosecution; and not only is it their suggestion but their case—where is the second purse, where is the second pocket-book, and where is the skull-cap belonging to Mr. Gold? There is one other matter to which I will allude, and that is, that the widow said he left home in his usual health, and that he was a tall, powerful man.

And now we come to the train. The first witness called—Franks—stated that he was standing at the front part of the train, and that there were only two ticket collectors. That evidence has been contradicted by a witness in another part of the case. He stated, however, that there were two collectors, and that he was one of them. He says that, on the Monday, Lefroy was under his observation. He says, "I knew Lefroy." If he knew Lefroy, Lefroy would have known him; and let me observe to you that Franks is absolutely the only witness who proves, if he is to be believed, incontestably that Lefroy and Mr. Gold were the only occupants of the carriage—he is absolutely the only witness. Now, is he to be relied on? Carry your mind's eye to the station of the London and Brighton Railway at London Bridge, and look at the number of trains that are continually going out and arriving. The ticket inspectors look at every ticket before persons are allowed to enter the trains, and will you believe a ticket collector would be able to tell you, without having any earthly reason for doing so, that, at a particular time, in a particular carriage, he saw two persons sitting? Use your common sense in that matter, gentlemen. But it is much stronger than that, because this man says that he had no reason for observing him. He said: "Lefroy sat in the far corner of the carriage, with his back to the engine." Now this man looked at Lefroy carefully. He actually knows how many pockets he had in his coat; at least, I won't say he knows how many, but he knows the exact position of them. He remembers, even, that his left hand was in one of his pockets. He tells you the time he got into the train. He tells you that his overcoat was buttoned; I wonder he does not tell you how many

buttons he had on his overcoat! But he does not go so far as that. He tells you his overcoat was buttoned, and that his frock-coat was buttoned underneath it. The colour of the frock-coat was black, and he took his ticket out of a pocket on the right-hand side. Then he goes on to say a number of other things, as to the appearance of the prisoner, which I will not call in question, because he had seen him before. But we have it without doubt that, having seen him only for one minute of time, he is enabled to give you accurately all this description of the man. Now, in a question of life or death, where you must weigh everything and not throw dice upon a man's life, but weigh carefully and accurately every single circumstance, can you trust evidence of this sort without fear of the consequences? Well, now, this witness tells you that Lefroy wore a low felt hat. A most important thing that. Why does he tell you so? He had not a low felt hat. The burden of testimony is overwhelming that he had a high hat. One of your body put a question to Mr. Ellis, the answer to which showed he had no doubt that, when Lefroy started from Wallington, he had a high hat on. Then why does Franks, who is so accurate as to other matters, say that he wore a low felt hat? Was there a third person? That is one solution. But I will give you another. The copy of *The Daily Telegraph* containing the picture was published on July 1st. It is quite true, as has been observed, that not every one reads *The Daily Telegraph*, but it has a very large and wide circulation; and do you suppose there was a man in London, when this matter became known at a somewhat dead season, when this sensational occurrence—for it was sensational, though I hate the word—was made public, who had not seen that copy of *The Daily Telegraph*? How unfair it is to the prisoner I will show you by-and-by. Now, why did Franks put this low felt hat on Lefroy except he had seen this picture with the low felt hat? Either it was the fact that he had seen the picture, or that he became aware of the fact that a low felt hat had been picked up on the line. He says he never saw a copy of *The Daily Telegraph*. Do you believe that? Do you suppose that this man had not seen a paper? Who are the men of all others who are likely to see them but railway ticket collectors and guards? Look at the number of liberal-minded passengers who come up to town every morning by train, and, having read their papers, hand them over to the guard or the collector. It is the commonest thing possible. Go into any of the great stations in London, and you will find the guards and ticket collectors, in their leisure time, reading the newspapers.

After Mrs. Gold, came a number of witnesses whom I did not cross-examine, and therefore I do not propose to say much about them. The evidence related to the question as to the identity of the watch. That, I take it, is admitted. There is no doubt whatever that the watch subsequently found in the shoe of Lefroy is Mr. Gold's watch. That is not denied, and at the proper time I will deal with it.

Then there was a witness named Cross, who stated that the money paid to Mr. Gold, the takings of the week, was in a little canvas bag.

The other witness was Gilbert, a clerk at the bank, who stated that Mr. Gold paid the money into the bank in a bag. It is not, however, absolutely proved that Mr. Gold ever had it back. As it is not proved, all I can say is this: Under ordinary circumstances, according to the bank clerk, that little canvas bag would be returned to Mr. Gold, like the second pocket-book, the second purse, and the skull-cap. If it were so returned to Mr. Gold, where is it?

The next witness was Sewell, the ticket clerk. What is his evidence?

It is he who, I think, issued a ticket to Lefroy. That is not contradicted. Lefroy could not have gone without a ticket. But he is useful in cross-examination to show that the prosecution has utterly failed to exhaust the tickets. They say there were only so many first-class tickets issued that day. That comes to absolutely nothing, because return tickets from Brighton are available for seven days, and any person having taken a ticket on one of those seven days previous to June 27th, could have returned by the two o'clock upon the 27th with the half of that ticket. The fact of three first-class tickets being issued by that train, therefore, absolutely and positively proves nothing. There is no means of showing, because the tickets are destroyed, whether any person so returned by that train. In addition to this, it is proved by Sewell that a ticket to Victoria would be available to London Bridge. The whole theory of tickets, therefore, is dissipated into the thinnest of thin air, and comes to nothing. Sewell said that, to the best of his belief, Lefroy had a high hat on. A high hat again, gentlemen!

The next witnesses were Gardner and Wood, the booking clerks at East Croydon, who endeavoured to prove that two persons got into the train; but they did not prove that Mr. Gold and Lefroy were the only persons in the train.

The next witness is one of considerable importance. It is Mr. Gibson, the chemist. Mr. Gibson was a traveller, with his little son, in the next compartment—a second-class. He tells you it was at Merstham Tunnel he heard some shots fired. He is not sure whether he heard shots or fog-signals, but it is alleged now on the part of the prosecution that they were shots. Merstham Tunnel is seventeen miles from London, and is 1,830 yards long. After this tunnel, you pass through Redhill Junction, than which there is no busier station on the line. The bullet having been fired at the entrance to Merstham Tunnel, according to the theory of the prosecution, and being at that time in the gullet of Mr. Gold, the two men were struggling and desperately fighting as they went through Redhill Junction.

After passing Earlswood, we come to Horley Station, and there we have the testimony of two witnesses, Mrs. and Miss Brown. We have then this fact—that at Horley, the wound having been inflicted at the entrance to Merstham Tunnel, this deadly struggle was still being kept up. The distance to Horley is twenty-five miles and thirty-seven chains; therefore, you may take it that from Merstham Tunnel to Horley is something like eight miles. Thus, this deadly struggle must have been going on between this stripling and the deceased during all that distance, because the theory of the prosecution is that, if the bullet in Mr. Gold's neck produced insensibility at all, it was but a momentary insensibility. If Lefroy had killed him on the spot, there would have been no struggle as far as Horley. Whether the struggle was continued further we do not know; but the body was found at Balcombe, which is, in point of fact, thirty-two miles from London. As far, then, as the evidence goes, up to Horley this lad, this sickly, weakly lad—he is before you, and you cannot say he is a powerful man—is supposed to have continued this struggle. Do you believe it, gentlemen? You have it on Dr. Bond's authority that the pistol wound, if it produced insensibility at all, only produced momentary insensibility, and that the deceased was perfectly able to struggle for his life. You have a tall, powerful man struggling for eight miles, and yet, gentlemen—I put it to you—there is not a particle of the prisoner's dress torn. As far as the evidence goes, some injuries were found upon him, but these I will account for by-and-by.

We now come to the evidence of Mr. Gibson, who tells you that he

heard shots in Merstham Tunnel, and that he did not notice the slackening of the train.

The next witnesses are the Browns. They were standing at the window of their cottage, at Horley, and they say they saw two persons in a carriage, as the train went past, standing up as if they were fighting or larking.

The next witness was Watson, the guard, and he contradicts Franks in a certain way. He tells you that, instead of there being two ticket collectors on the platform at London Bridge, there were three or four. He says he does not know how many persons there were in the carriage occupied by Mr. Gold, and he tells you this important fact, namely, that in each carriage, the door was unlocked on either side. He tells you, also, that at Preston Park he saw a chain hanging out of Lefroy's shoe. Now, what is the inference from this on the part of the prosecution? They say that Lefroy, having planned this murder—upon what foundation this allegation is made I am unable to say—committed the murder, and, having done so, plundered and ransacked his victim, from whom he took a watch. This watch, they say, he put into his shoe, and left the chain hanging out as an indication of his guilt, so that every one should see it—and every one did see it. Why did he put the watch in his shoe? In case he was searched? Why, if he were searched they would take his shoe off. It is idle to say, gentlemen, that, in order to avoid detection, he did such a thing. Then I say this—if he took it for plunder, and it was part of the scheme to rob and murder the poor man, why did not the murderer put it in his pocket? What was the necessity of putting it in his shoe? And if he did put it there, why did he leave part of the chain hanging out? I say, again, the probability is much stronger that he would have put it in his pocket. But if another person did it before escaping from the train, the case is altered. Having got whatever money there was on the body, he fixes the watch—the very thing that would have brought him to the gallows—on the senseless man. Where is the improbability in this? Is it more improbable that the third man should do that, than that the prisoner should put it in his shoe with the chain dangling out?

With regard to Watson's evidence, he is the only person who said that, when Lefroy was asked about the watch, he replied that he put it there for safety. Watson was standing by Hall, the station-master, and the other man—Gilson, I think; and their evidence is that Lefroy said, referring to the watch: "I don't know anything at all about it." I hope you will not let the case rest on Watson's remembrance of the exact words of the conversation. The greater balance of testimony is that Lefroy's utterance was: "I don't know anything at all about it." I ask you, is there any reliance to be placed on the evidence that Lefroy said: "I put it there for safety"? I will offer you an exemplification of how dangerous it is to rely too much on Watson's evidence, or upon his reproduction of the exact words used. After Lefroy had arrived at Brighton, Watson states that he asked him: "What about these two flash sovereigns?" I asked him whether he did not say, "these two sovereigns," without using the word "flash." He replied that he was not sure he did not. If Watson said merely, "these two sovereigns," not employing the word "flash," Lefroy's answer is intelligible, for he said: "I have no sovereigns." Watson had them in the palm of his hand; and if the heads were turned up they would look like sovereigns. To show, then, how unsubstantial and insecure it is to rely upon every word Watson states, I would remind you that that witness, when pressed, would not swear whether he used the word "flash" or not. Now, he says, "the train slackened at Hassock's Gate down to four miles an

hour;" and he is the man who asserts that it is perfectly possible for a person, when a train is in motion, to pass from one carriage to another. You will see the importance of that by-and-by. Now, it has not been conclusively proved that there was no third man in the compartment. If there were a third man, and this murder was committed by the third man, then he, first of all having disabled Lefroy in the manner I am suggesting, would have had ample time to get out at Hassock's Gate, or to change his carriage. Evidence has been given that the train slackened for 300 or 400 yards.

There must have been somebody who disposed of the various articles on the line. Except the umbrella, all the articles were on the line before Clayton Tunnel was reached. Clayton Tunnel, I think, is only four or five miles from Preston, where the train stopped. The tunnel itself is 2,252 yards long, and the umbrella was found just as you get into Clayton Tunnel. Now, gentlemen, did you see the umbrella—a peculiar umbrella? And getting from one carriage to another, would not a man be likely to steady himself with it, and use it for the purpose of catching on? It is just the very thing. It was ready to his hand. Remember, the next compartment was empty. Remember, no one except three ladies got in on the way, and not in that part of the train. The evidence is conclusive that the next compartment was empty. The platelayers affirm that they did not see anybody on the line; but negative evidence is not conclusive. Well, then, I have got the fact that there was ample opportunity for the man to have changed his carriage. With all their power, the prosecution cannot produce a particle of evidence to show that the next carriage was not empty when it left London Bridge. What more easy than for a man to change his carriage, so as to get away from the blood of the man who lay in the corner, and who sooner or later would recover—as recover he did? He might also have changed his carriage at Preston Park, when the attention of the whole of the people was called to the blood in the carriage, and to the man who was summoning aid and assistance, and in whose boot the watch was subsequently found. What more easy for him than to go on to the terminus at Brighton? By the evidence of the guard, it is quite possible for a person to have moved from one carriage to another, and he shows you the place where he most probably did so. Here is another thing which is wanting. They have shown, by the issuer, the number of tickets issued to passengers for the two o'clock train; but they have not shown how many tickets were collected at Preston. At Preston the train stopped for the purpose of collecting tickets, so that any person getting out at Brighton would have no need of a ticket. Therefore it would have been most material in the suggestion that there were three persons in the railway carriage, which is not started for the first time, which is not a defence raised by me, but which is the prisoner's defence from Alpha to Omega—from the first to the last. Not to give that evidence was an omission.

The next witness was a very remarkable one. It was Joseph Stark, the ticket collector at Preston; and low felt hats seem to be catching in that part, for he wants to make out by his evidence that the prisoner was wearing a low felt hat at Preston Station, whereas, if you take the guard's evidence, and look at the map before you, you will find that a low felt hat was found upon the line just beyond Burgess Hill, and, therefore, according to him, there must be three hats.

Then there is the evidence of the man Franks, to which I attach great importance, as it will show you at once how unsubstantial upon details he

is. You have it proved by Gilson, and by every other person, with the exception of Franks and the other extraordinary witness who put a low hat upon his head, that he had on a high hat. I shall use his evidence for the purpose of showing you how unreliable he is. My learned friend, the Attorney-General, has endeavoured to put the low hat upon the prisoner's head. A hat, you will observe, is afterwards found, after the train has passed, upon the line. Therefore it does not require a great amount of intellect to show that something must have happened. If this second hat belongs to Lefroy, he must have got it after he got into the train at London Bridge. That he had a high hat on his head, then, is proved to demonstration by a question put to a witness by your foreman. Therefore, if this hat is made to fit Lefroy, the suggestion is that Lefroy had two hats. Franks has proved he had a high hat on at London Bridge; if so, another hat is concealed upon his person. That is impossible; it is absolutely and positively impossible. You cannot get a hat into your waistcoat pocket. Franks describes him as having one hand in the pocket of his overcoat, and the other was outside. It is, therefore, perfectly impossible that he should have had two hats.

Having made these observations, I pass on to the next witness who was called before you. He is a witness of considerable importance—he is the witness Gilson, who was with Lefroy from the time the train left Preston till it got to Brighton, from the time they went from Mr. Anscombe's office till they reached the Town Hall, and from the time they left the Town Hall till the time the surgeon dressed Lefroy's wounds, and then again until they returned to Brighton Station. At all events, we have it that Gilson was with Lefroy from Preston to Brighton, from Brighton to the Town Hall, and from the Town Hall to the station. He is the man also who says he said to Lefroy: "Where did the countryman get out?" to which Lefroy said: "They must have got out on the road." Then, in answer to a question from me, he stated that he said the prisoner said: "He must have got out on the road." That makes a great deal of difference. It was a most natural thing for Lefroy to have said: "They must have got out on the road." What was more natural than, having been rendered inanimately faint from his wounds, and knowing that there were two men in the carriage with him, and missing them when he recovered his senses at Preston, that he should say, in answer to the question, that "they" got out on the road? Supposing any of you, gentlemen, had been assaulted in a railway carriage, and had known that two persons were in the carriage with you when you became insensible, would you not, if you missed them when you recovered, have naturally said that "they must have got out on the road"?

Then there is a man who says that the prisoner had a card in his pocket. I have already addressed you upon that. There were either one or two cards with his right name and address upon them. He must have known when he left Wallington that he had the cards in his possession; and would he have gone with a card in his pocket, with his right name and address upon it, for the purpose of being identified, if he were about to commit murder?

It appears to me that, in this case, everything that could be lost has been lost; but I make no observation as to that. The handkerchief has been lost, and that would have been a most important piece of evidence, as handkerchiefs are generally marked, and there might have been some mark upon this that would have told to whom it belonged. It is not, however, forthcoming; but I do not for a moment suggest that it has been im-

properly made away with. I have endeavoured to throw no censure upon any one, and there has been no reason why I should do so. With regard to the tokens, Lefroy first of all said that they were not his, but subsequently, according to the evidence, he said that they were whist markers. If they were the subject of a fraud, it was not unnatural that he should deny that they were his. Those coins have not been found. Then, again, one of the officials said that he accompanied Lefroy from Preston to Brighton, from Brighton to the Town Hall, and back to the station, and that it would have been impossible for him to have made away with anything.

Now my friend asked: "How was the chain attached to the watch?" And the answer was: "By a swivel." It has been said that, when the watch was discovered, a piece of chain was attached. Now, what has become of that piece of chain? The prisoner could not have detached it. Who did?

The next witness I shall call before you is Hooper, who gets very important by-and-by, when you have to consider the evidence of a man who comes before you as an injured person. As to who is the injured person, or rather the person attempted to be injured, I leave you to form an opinion. I mean the man Weston. It seems almost incredible and impossible to believe that anybody can be so diabolically wicked as to come before you, and, upon his oath, make a statement of that kind against a man who is on his trial—who has enough against him, Heaven knows, with the vast power of this prosecution. It is almost impossible to believe, I say, that any man can be so vile and wicked as to come forward and state upon oath that which he has stated. But if Hooper and Anscombe are to be believed, and if Gilson is to be believed, that man's statement was, from first to last, absolutely false. Hooper was present in Mr. Anscombe's office, and he says there was no such person there as Weston. Now, who is this man? He is a man who I presume is in a position to read the papers, and does read them. This was a *matter of common notoriety*. Everybody was talking about it; and Mr. Weston, with this important evidence within his knowledge and his remembrance, never goes before the coroner—never goes before the magistrates; but he subsequently volunteers, some six or seven weeks ago, a statement to some solicitor at Brighton. I do not wish Weston put out of the case. I say, either he is the witness of truth or he is the witness of falsehood. There is no middle course, and it would have been most important if the solicitor to the Treasury had called the solicitor at Brighton before him, to show what was in the proof of this man's evidence. But I call your attention to what he actually did swear in Court yesterday. He said he pointed to the prisoner's eyebrows, and to the cut upon them, and made use of these words: "That does not look like a gun-shot wound; it is more like a prop from an umbrella." That is the first suggestion of an umbrella. He next said that he said, "I should take him to the police station," and that he saw no wound on the prisoner to account for so much blood. Now, that is the statement he makes some five or six weeks ago. I have had, as I expected I should have, the greatest latitude in this case, and I asked my lord if I might have Gilson back, and he at once assented. I asked Gilson if he was with the prisoner continuously all the time at the station, and he said he was. Was Weston there? No. Did Weston say those words about the umbrella, the words about its being "hot while it lasted," and the words about, "If I were you I would take him in a cab"? There can be no mistake about this; it is impossible. Another witness—Anscombe—was recalled, and I put this

question to him, "If Weston said this must you have heard him?" and he replied, "I must." Now, let me say that this witness Weston is the witness of the prosecution, and another of their witnesses—Gilson—was actually called, and said the story he told was an absolute fabrication. If the observation applied to that case, how much more would it apply to the circumstance of the witness going up to Lefroy and putting his hand upon the prisoner's shoulder, and saying: "That could not have been a gun-shot wound. It is a prop with an umbrella." I asked Gilson, "Did any living soul touch the man in your presence?" and the reply was "No." There is the evidence of Weston, and there is the evidence of Gilson who registered it. If all this is untrue and is an invention on the part of Weston, then all I can say is that in my long experience of human life I never before heard of so monstrous a story.

The next witness called was James Martin, a policeman, who proved nothing so far as my case is concerned; and the next witness, Thompson, was merely called to produce a statement. Terry, the Inspector of the Brighton Police Station, seems to have had no suspicion of the crime.

The next witness is a very important one. It is Mr. Bing Hall. He was the doctor who examined Lefroy's head at the time he was taken to the hospital, but, before I go to his evidence, I prefer to take you to the railway carriage. What is the statement of Lefroy about the matter? He says: "I got into the railway carriage at London Bridge. Mr. Gold"—it turned out to be Mr. Gold—"was in the train, and a third person, a man who looked like a countryman. Mr. Gold was sitting reading a newspaper." We have it from a man at Croydon that he had a handkerchief over his face. He was an oldish man, and it is very likely he may have been going to sleep. Lefroy says: "As I sat there, there was a flash. I was fired at I was missed, so far as that went, and I was instantly assaulted by the butt-end of a pistol." That is important when we come to the question of the wound as spoken to by Mr. Hall. "I was," says Lefroy, "rendered insensible by the wounds." Lefroy was sitting in the corner of the compartment, but what portion he was in after the train started we cannot say. Persons shift their places in railway carriages from one cause and another; therefore we can't attach much importance to that matter. But if he were sitting there, you know that there is a bullet mark immediately over where his head would be, in the corner. If he was missed, and the man rushed upon him, by this time Mr. Gold would be aware of the state of things, and would do the most natural thing—rush to the bell. It is over that bell that there is another bullet shot. If Lefroy is rendered senseless, he can know nothing more about the matter until he wakes up at Preston with a watch in his shoe. Is that impossible? Remember, if the story is true there is no living man knows the truth about the third person but that third person, and it is for you to say, before consigning a fellow-creature to the grave, that it is impossible that a third person could have been present. The blood on the neck of the prisoner was a consequence which would naturally be anticipated from the wounds upon his head and face. Mr. Hall was asked: "In your opinion were the wounds sufficient to have caused faintness and insensibility?" His reply was "Yes," and he adds that they must have been inflicted by a pistol, or by the end of an umbrella. The man's head had had plaster upon it, and a white surgical bandage is subsequently found in Lefroy's coat-pocket. It was suggested that there was no blood upon it. If the wounds had been already plastered, why should there be blood upon it? But it has been proved that there was blood on the neck and collar,

which would naturally be the result of the wounds on the head. As to the umbrella, if you struck with that in a struggle, you would strike flat, and with regard to the blood found on the prisoner, if he were attacked and lay prostrate, and if a struggle were going on between two other persons for some miles, what wonder is there that blood should be discovered?

They say that Brown got into the carriage, and that one of them said, in a loud voice, that a body had been found. "Hush! you must not speak," was the answer. Why should not he have heard? The remark was made in such a loud tone of voice—so loud a tone that it called forth the "Hush!"—therefore you may take it for granted that he did hear, for the first time, of a dead body being found in the tunnel.

Holmes is the man who searched him at Brighton, and here I have to point out that no second pocket-book, no second purse, no skull-cap, no canvas bag were found in his possession. If he was the murderer, where were they? If, too, Mr. Gold had £2 10*s*. or £3 in his pocket, where was the money? In his possession, when searched, the prisoner had only 13*s*. Where, then, was the money? It was not in the possession of the prisoner. Then as to the pocket-book found upon him at Brighton, he told the detective that it contained private papers. Duplicates were there, no doubt, but when it was taken from the prisoner at Wallington, it was, according to the evidence, in the same state as it was at Brighton.

Holmes is a detective, and goes on with the prisoner to Wallington, and there it is, I say, that, having heard for the first time the evidence against him, however innocent he was, he began to lie. When asked the number of his watch he gives a wrong number. But there is no question put by the Attorney-General as to what became of the watch. It was last seen in the room downstairs, at Wallington. Whether Holmes kept possession of that watch, I don't know. I do not say so; I do not think so. From that moment, the prisoner says, he never saw the watch.

The next evidence goes on to show that, some little time after Holmes left, the accused, knowing all the circumstances of the case, left Wallington. If he were an innocent man, why did he fly? You know, gentlemen, we are not all constituted alike. We have men of strong moral courage, and we have men of weak moral courage. We have men of strong physical courage, and men of weak physical courage. The prisoner said: "I wish I had remained where I was. I wish I had not gone away." He had far better not have gone. He had far better have remained where he was; and it would have been a mercy to him if, in the discharge of his duty that night, Holmes had taken him into custody. But he flies; he knows he has been seen at Brighton, the only occupant of the carriage, deluged with gore; he knows that he has been taken to the hospital, with wounds on his head; he knows that the body is found in the tunnel; he knows a telegram is received stating that no watch is upon the body; he knows that Holmes is a detective officer, who is inquiring about a watch; he knows the watch has been placed by some one in his shoe, and that that watch is found in his possession. What man is there who would not fear? He tells a lie about the watch, and about the number. The officer leaves the house. The temptation is too great. Individual safety is the first thing a man thinks of, and I ask you whether there are not half-a-dozen men out of a dozen who would not have done the same? Don't forget that his action must have been quick. If a guilty man, he knew the duplicates were in his coat-pocket.

Now that finishes the evidence as regards what took place that night. Moss was the next witness, and Holmes mentioned to him the number of

the watch. The next witnesses are the Jennings, who found Mr. Gold's body, and Lewis, the constable at Balcombe, who proves the state in which the body was found, and the absence of the articles Mr. Gold is alleged to have had, not one of which is upon the prisoner. But the witness not only proved that. He stated that a diligent search had been made for the revolver, but that no revolver had been found. If there was a third person, and he escaped, he would have escaped with the revolver, and that would account for its not being found. They have had gangs of men from Merstham Tunnel to Balcombe Tunnel, and from Balcombe Tunnel to Brighton, searching for that pistol. The search is of no avail. My learned friend, the Attorney-General, asked the question of one of the witnesses: "Are there not many ponds and marshes on the road?" I dare say you know the road; I dare say there are ponds and marshes; but it must take a remarkably good shot to so accurately gauge it that, when a train was going at full speed, a revolver would fall in a certain place. But there is not a particle of evidence to show that the prisoner was ever in possession of a pistol. If it is important to show who offered the pistol in pledge, how much more important to show that he ever had one in his possession?

Then comes the evidence of Dr. Bond, who is a man of the greatest possible experience. He tells you that he made a *post-mortem* examination of Mr. Gold's body. Mr. Bond's scientific impression is that all the wounds, with the exception of the fracture of the skull, were inflicted during life. He adds that, not only must a pistol have been used, but a knife; because we have, not only one wound, but wounds upon both hands and thumbs—deep cuts, such as would make Mr. Gold prostrate from loss of blood; and, in point of fact, he died from injuries inflicted upon him by somebody in the railway carriage. Now, where are the knife and pistol? The line has been searched, and these have not been produced. If a life and death struggle took place between these two men, would you not expect to find some marks upon Lefroy's hands? If a terrible conflict were waged for eight miles between a powerful man and this stripling, would you not expect to find some marks or cuts on the prisoner's hands, in consequence of Mr. Gold trying to get possession of the knife? There are no such marks—not a scratch. But where is the knife? Now, if a third party did the deed, the knife would be where the pistol is—in the possession of the murderer. Two knives were found upon the line. Every inquiry has been made; and it is not suggested for one moment that these knives have anything to do with the case. Has the knife gone the way of the second purse, the skull-cap, etc.? When you are trying the life of a man, surely these things are of the greatest importance.

Now, Mr. Bond says that Mr. Gold was dead before he was thrown out. If so, it cannot be suggested that the marks of blood underneath the foot-board were produced by his grasping the board for the purpose of preventing himself being thrown out. How could Lefroy get Mr. Gold's body out of the carriage? Lefroy had been wounded himself, and had lost sufficient blood, according to the medical evidence, to render him insensible. Yet the theory is that he lifted the body out! Gentlemen, have you ever tried to lift a person in a swoon? It was a dead weight. The purport of Dr. Bond's evidence is that he would expect to find Lefroy in a fainting condition, and yet it is suggested that he threw Mr. Gold's body out!

The next batch of witnesses speak concerning the hat. The proof is clear that the hat I now show you [holding one up] came out of the carriage. Whose was it? Lefroy did not have two hats. Then where is the head that fits this hat? It is a most extraordinary thing. This hat is

not put before you for the first time. It was produced before the coroner; it was produced before the magistrate; and it is produced before you to-day. Months have rolled by since this murder. The prisoner was arrested in July; we are now in the month of November; and not a single explanation of any kind is forthcoming as to this hat. The name and address of the maker are in the hat. The address is in the Strand. The prosecution may have the maker here for aught I know. Now, I submit to you that the evidence which this hat discloses is in favour of the doctrine of a third person in the carriage.

The next point in the evidence is the slackening of the train. There we have the evidence of Mr. Wood, the witness who was awoke by the train slackening. It brought him home to his own door, and so slow was the rate at which it was going that he actually picked up his bag with the intention of getting out.

With reference to the collar of Lefroy which was found on the line, my contention is that it was twisted off his neck by his assailant, and that, being wet with blood, it probably stuck to the step, and was afterwards gradually detached by the movement of the train. With regard to the pistol, the evidence concerning it is chiefly the evidence of pawnbrokers' assistants. One of them—Creek—states that it was pawned on June 21st, and released on the 27th. He said he knew the prisoner as a customer who had been in the habit of pawning articles in the name of Lee, and that, speaking to the best of his belief, he was the person who pawned the revolver. But, when cross-examined, he could not swear that the prisoner was the person; thus declining to swear that which the prosecution asked the jury to swear. As a rule, pawnbrokers do not take much notice of the people who come to pawn, and have often very good reasons for not doing so; and articles are almost always pawned in false names and addresses. In the hurry of business, in a pawnbroker's shop, it is impossible to identify every customer; and the evidence of Creek that Lefroy was the person who pawned the revolver on June 21st, cannot be relied upon by you as evidence that should be acted upon against the prisoner. If he did pawn the pistol, do not forget that whoever did so had in his pocket a box of cartridges. With regard to this, the pawnbroker's assistant says: "I took the shots from the pistol, which I found to be loaded, and put them back in the box." I did not ask the question whether there was any address on the box, because I thought the witness might very reasonably have forgotten whether there was or not. There is not a particle of evidence to show that you are dealing with the pistol which Lefroy bought, or that he ever bought one or pawned one, except the evidence of a pawnbroker's assistant.

That evidence of the assistant brings us to the evidence of Mr. and Mrs. Clayton. They were called before you late on Saturday night; and is it to be suggested that they came here for the purpose of committing wilful and corrupt perjury? The pawnbroker's assistant says that, from his book, he should say the pistol could not have been pawned on June 21st earlier than nearly seven o'clock. If the Claytons' evidence is correct, it is impossible that the prisoner at the bar could have pawned that pistol. Mr. Clayton says: "I came home by the train which reached Wallington shortly after seven, and when I got home the man who opened the door was Lefroy. I swear it." Nothing could shake him. If that be true, the evidence of the pawnbroker is worthless. And why should it not be? I asked Mr. Clayton, "Why do you remember the 21st?" He gives you an excellent reason—his wife was confined on the 23rd. He himself had gone to town, and Lefroy, who was an idle man, or, at any rate, one whose work

was desultory, had no cause to go to London. Mrs. Clayton is then called into the witness-box, and what story does she give? Nothing is so convincing as her tale. She says: "I expected my confinement. I was ill. Lefroy had lived with me, or my father, all his life. I was nervous that day." Gentlemen, women in that state are nervous. She continues, "I asked him that day, in the morning, if he would remain at home, for fear I might want a doctor;" as, of course, she would be unable to send one of her scholars. She goes on: "During the day I was in the room in which I receive my scholars, but went out of it occasionally to see Lefroy, as I thought it would comfort me." Is that impossible? Then I ask her: "When did you have your tea?" "At six o'clock." "Who had tea with you?" "Lefroy," is the answer. Is that a tissue of lies from beginning to end? Would you believe, against evidence like that, that given by a pawnbroker's clerk, and thus find the prisoner guilty?

The evidence called before you to-day has been evidence that I have not attempted to controvert. It has been simple evidence to show that he tried to disguise himself after having fled. What is more natural than that he should have done so?

I have now exhausted the observations I propose to make to you upon the evidence on the part of the prosecution, and I have to ask you to take that evidence as a whole. Before you can convict the prisoner you must be prepared to say that the evidence is conclusive, and that there cannot be a mistake. Remember, gentlemen, that your verdict is final, and that the question in your hands is one of life and death. Remember that the light of life, once extinguished, can never be rekindled. You are told that circumstantial evidence is convincing. Now I deny that. Paraphrase it, and what does the statement mean? It means that human intellect is infallible. I ask you is that so? Is it to be said that circumstantial evidence has never been wrong? Have not convictions taken place where the evidence has been proved wrong? In our own time you will see that, over and over again, life has been sacrificed by circumstantial evidence; homes have been wrecked by circumstantial evidence. I seek by these words of mine not to endeavour to turn your minds from the straight path. I do not seek to lead you to depart from the sanctity of the oath you have taken; but I do entreat you to judge of every particle of evidence with that ability such as it is in the power of human intellect to bestow. Gentlemen, you can do your best. I have discharged the duty cast upon me, and I now leave the matter in your hands. I can only, in conclusion, pray that, in this terrible hour of your need—for a terrible hour it is for you—that He to whom all hearts are open, and all secrets are known, may guide and conduct you.

The following is the speech delivered by Mr. Montagu Williams at the trial of George Henry Lamson:

On Wednesday morning last the prisoner at the bar was arraigned before you for the wilful murder of Percy Malcolm John. This is not a question of degree—there is no question at issue as to whether or not your verdict can be reduced from murder to manslaughter; and it is not a case in which, if found guilty, the prisoner is likely to have mercy extended to him. It is essentially, so far as he is concerned, a case of life and death, and I quite agree with the learned Solicitor-General when he states that, if the prisoner at the bar is guilty of this deed, he has committed a murder of the gravest kind. No doubt a case involving the

issues of life or death is a most onerous one for all concerned, and particularly onerous for the jury. If this is so in ordinary cases of murder, the duty is a hundredfold more difficult in this instance, because you have not only to determine upon questions of evidence, but you have to endeavour to traverse a region of science which up to the present moment has been unexplored—a particular branch of science which, I think I may safely say, is only yet in its infancy. You are asked to take a leap in the dark, and you are asked to take that leap without a gleam of scientific light to guide you. The case, as I am aware, has already occupied a very considerable time, and I can fully appreciate the care and anxiety which you have brought to bear in trying the charge. I should feel almost dismayed in the task which I have undertaken, and which I am about to discharge to the best of my ability, if I did not believe you would bring to bear upon this most difficult and delicate matter all your intelligence, all your sense of right, and all your acuteness. We have all witnessed the attention which you have paid to the evidence throughout this most painful investigation, and more than one of your body has, from time to time, put most opportune questions. I thank you one and all. To the best of my ability I have endeavoured not to lengthen the case unnecessarily, and I have tried, and I hope I have succeeded, in not putting a single question which has not been of the utmost importance.

I propose now to place before you two propositions. One is, did this unfortunate lad die from the administration of aconitine? Are you of opinion that he did so beyond all reasonable doubt? for, if you have any reasonable doubt, the prisoner at the bar is entitled to be acquitted. Secondly, if you are of opinion beyond all reasonable doubt that he did die from the administration of aconitine, then are you persuaded, beyond all reasonable doubt, that the aconitine was wilfully administered by the prisoner? I will deal with these propositions in the order I have placed them before you, and without, for the moment, tracing the evidence of witness after witness as they were called before you.

I will first take that branch of the evidence which for my purposes I will call the medical evidence. I cannot help thinking, subject to your better judgment, that to rely upon this in such a way as to sacrifice human life will be, to say the least, unsafe. This evidence is most unreliable. Who knows anything about aconitine, and Echo answers "Who?" It is the root of the monk's-hood—aconite is the one form, and aconitine contains the active principle of that one form. Up to the present day, with the exception of one single case, there is no authority of any kind or sort upon the subject. This is the evidence of the medical men who have been called before you; each of these gentlemen admits that he knows nothing at all about aconitine. It is not my intention for a moment to attempt to cast a slur upon a very honourable profession, but, one after the other, the medical men, when questioned as to aconitine, say: "We know nothing at all about it." Dr. Berry is the first medical man who sees the deceased. He was not sent for—and I beg you will mark that—but he happened to be visiting at the house. Dr. Berry has described the symptoms to you. The first thing the deceased complained of was heartburn. Where is heartburn given as one of the symptoms of aconitine poisoning? After the consultation with Dr. Little, how do they treat the deceased, and for what? Irritation of the stomach? Was there at that time anything passing in the mind of Dr. Berry to lead him to believe that this lad was labouring from poison? Was there anything to lead him to suppose that he was suffering from any special poison? No; certainly not. Do not forget that. This boy was

sensible up to the last. There is a discrepancy as to when he was carried upstairs, and I will deal with that at the proper time, but it was some time between eight and nine o'clock. He was carried from the bath-room to the bed, and, from the first to the last, there was every symptom of irritation of the stomach. The doctors acted on this belief because, from nine o'clock until past eleven, when the lad died, they never even attempted to use the stomach-pump. No suggestion of any kind was made for its use. If poison was in the minds of these gentlemen—if they believed that poison had been administered—why did they not take some means for counteracting it? Not a single remedy was attempted which, if poison had been administered, would probably have saved the lad's life. Therefore, I think you may take it for granted that, with regard to Dr. Berry, it never, up to the boy's death, entered into his mind that poison had been administered. Not only so, but, in reply to a question from me, Dr. Berry admitted that it was not until the *post-mortem* examination that he came to the conclusion that the lad had been poisoned. It was after the *post-mortem* examination, he said, that they came to that conclusion, and that death was caused by a vegetable alkaloid. It then became my duty to examine him as to his knowledge of vegetable alkaloids, and, as I have said, he candidly admitted that he knew nothing at all about them. Thus, even upon the evidence of the very first witness called for the prosecution, their case hopelessly fails. "I know nothing; I cannot answer your question. Although a scientific man, I am unable to assist you." Thus we are thrown back, not upon facts, but theories. My case is that the evidence of the scientific witnesses for the prosecution consists wholly and solely of theories. The witnesses confess that they cannot answer my questions, and that their minds are a blank with regard to this particular poison. Dr. Little gives the same replies as Dr. Berry with regard to aconitine; but he says "we" (and it is quite clear that he was wrong in doing so) in stating that the conclusion had been come to that the lad was suffering from an irritant vegetable poison about an hour before his death. Had "they" come to such a conclusion, it is very certain that remedies would have been applied, and the stomach-pump used. Dr. Bond is a gentleman well known in this Court as a man of very considerable attainments, and he assisted at the *post-mortem* examination. But his opinions were based upon the symptoms as detailed to him by Drs. Berry and Little, and I think it requires but a very slight strain upon the imagination to come to the conclusion that it was he who first gave the other medical men the idea that it was a vegetable alkaloid. In reply to questions as to his knowledge of aconitine, he gives the same answers. Thus it comes to this, that, so far as I have gone, you are asked to say that the boy died from aconitine poisoning upon the evidence of a gentleman who was entirely ignorant of the symptoms. Or rather, I may say, you are asked to give your verdict upon the evidence of gentlemen who say that they are entirely ignorant of the subject which you have to decide. There is not a particle of evidence, so far that the lad died from aconitine poisoning. You must remember that aconitine is their case, and that death from aconitine is the case placed in issue by the Solicitor-General. Further, it is aconitine administered in a capsule on December 3rd, that they stand or fall by.

The next witness to whom I shall draw your attention is one of great ability—Dr. Stevenson. He is the very first witness called claiming to have a knowledge of vegetable alkaloids who positively associates the symptoms with them. And how does he arrive at the opinions he has placed before you? He says there are no direct means of tracing aconitine

—there are no tests which can prove beyond the possibility of doubt the presence of aconitine—and there are no authorities upon the subject. He, however, founds his opinions upon the symptoms as detailed to him, and upon his experiments with mice, but he admits that most of the symptoms are consistent with other causes. Says Dr. Stevenson: "I take the symptoms *en masse*. No doubt they are consistent with other causes, but, at the same time, they are consistent with aconitine." He tells you that he carefully submitted the various things given to him to analysis, and that from the liver, spleen, kidneys, urine, and vomit, he and Mr. Dupré obtained what they believed to be certain vegetable alkaloids when they tried with the test of taste, and upon some of the lower animals about whose sufferings there seems to have been very little care—mice. "We tried them upon mice," they say, "and from the experiments, and from the taste, we have made up our minds that these vegetable alkaloids are aconitine." Here I should like to direct your attention to the process by which these results are obtained. He says: "I took half the contents of the stomach, and mixed it with such a quantity of rectified spirit as, with that spirit previously added by Mr. Dupré, made the proportion of spirit to liquid taken, two volumes of spirit to one volume of liquid. The liquid which I took was acid in its reaction. The mixture was allowed to stand two days, from Saturday to Monday. It was then filtered, and the insoluble part was well and repeatedly washed with rectified spirits. The clear liquid was then evaporated at a temperature below that of the human body, until it was almost solid. The portion which had not been dissolved in spirit was then treated with an additional quantity of spirit, to which a little tartaric acid was added. The mixture was then warmed till it had a temperature of 140° Fahrenheit. It was then cooled. The mixture was filtered, the insoluble part was well and repeatedly washed with spirit, and the clear liquids obtained were evaporated at a temperature below that of the human body, till a fairly solid residue was obtained. I now obtained two alcoholic extracts, each of which was treated in a precisely similar manner, but separately, by digesting them with warm absolute alcohol, or rather, tepid alcohol, till the alcohol would dissolve nothing more. These solutions in absolute alcohol were filtered and evaporated to dryness, or nearly to dryness. They were then treated with a little water. They were found to be acid in reaction, and the two solutions—that is to say, the one from the plain spirit, and the other from the tartaric acid—were mixed. Care was taken that they remained just acid, distinctly but faintly acid, and the solution was then agitated with washed ether. The ether was allowed to separate and drain off, after which it was replaced by fresh ether; and this operation with the ether was carried out five times. The ether was set apart and allowed to evaporate at a temperature below its boiling point. That was reserved as not containing the alkaloid."

My object in calling your attention to this, is to show you how the whole solution is changed about. What effect might not the ether have had upon it? From a solution it is reduced to a solution again; and because a mouse dies from such an injection as this, the analysts come to the conclusion that the boy's death was occasioned by aconitine. Is this safe? I suggested on Saturday that I should read you a passage from a paper written by Lord Coleridge; but it was objected that anything Lord Coleridge said, he not being a medical man, was of no use. This is rather unfair. It is not because a man does not happen to be a professor of a particular science that he is no authority with regard to that science. Mr. Gladstone and the late Lord Derby have translated Homer, and as well

might it be said that, because they were not professors of Oxford or Cambridge, their opinions were not worth anything. Yet I will undertake to say that both of these gentlemen knew more of Homer than all the professors put together. My object was to show you that the test of animals was not altogether reliable; and although I was prevented from quoting passages to that effect, I arrived at the same end by quoting the passage from Professor Tidy's book, which you will remember. But I will ask you to use your own common sense in this matter.

In this case little tame mice were used, and the operation was commenced by pricking with a needle. Why, one of the mice, as you have heard, died under the process of pricking. Ordinary fright will kill a mouse without the infliction of pricking with a needle; and the injection of mere water will kill them. Yet, because these mice die within fifteen minutes of these injections, you are to come to the conclusion that this was due to aconitine. Is it safe to rely upon such a test? Would you rely upon it in the ordinary affairs of life? Would you rely upon it in any question in which your own private interests were affected? If you say "No," can you rely upon it when the blood of this man is upon your shoulders? If it were possible to trace the action of the poison upon the interior of the animal it might be different, but the heart of a mouse and the liver of a mouse are so infinitesimally small as to be beyond the range of description. Possibly those mice died with a quiver—very likely they did—from the injection; but they were just as likely to have died from the injection of anything else.

Then as to the taste. What is it they taste? The result of a mixture, that has gone through a lengthy and laborious process too tedious almost for description. And because it is bitter to the taste, and has a burning sensation on the tongue, and is something like aconitine, you are to come to the conclusion that it is that alkaloid. Can you rely upon this? You must remember that the extract is taken from the contents of a human body many days after death. Dr. Stevenson admits the presence of morphia, which of itself is a vegetable alkaloid, in the liver, spleen, and kidneys. No morphia was present in the urine. The test I again say is most unreliable, and should not be depended upon in a case of life and death. I can assure you, to attempt to grapple with the evidence in this crude shape, is not only a difficult, but almost superhuman task.

You will remember that I questioned Dr. Stevenson as to the existence of cadaveric alkaloids, and he told you that, although he was inclined to believe in the theory, the matter was still *sub judice*. But whilst the scientific judgment is entirely unpronounced, and the medical mind is still open, you are to decide fatally the case so far as the prisoner is concerned. When, however, you have a gentleman like Dr. Stevenson tell you the matter is still *sub judice*, I do invite you to pause. If cadaveric alkaloids do exist, you will remember that in this case it was six days after death before the *post-mortem* examination began. Considering all this, can you come to the conclusion that this was or was not aconitine? You must not forget when you come to the question of certainty or uncertainty; you must be of opinion that the matter is settled beyond the possibility of doubt, that this unfortunate lad died from the administration of aconitine. Is it so proved, or would not the Scotch verdict of "Not Proven" be the proper verdict in this case? Should the proof fall short one iota, the prisoner, without my going into my second proposition, is entitled to your verdict upon my first proposition.

I do not propose now to go into the question of the analysis of the

powders and the pills. This will come in its proper order. The evidence as to the aconitine is upon the solitary testimony of Dr. Stevenson, backed, as that is, by Mr. Dupré. Well, that is the first question you will have to decide; and I cannot help thinking that it would be dangerous to sacrifice even the life of one of your favourite dogs on such evidence. It may be said, by-the-bye, "Why do you not call evidence to rebut this?" I will tell you. My suggestion is that the whole of this evidence is theoretical—it is speculative; and if I was in a position to place before you contrary opinions it would come to exactly the same thing. I say, and I think you will agree with me, that there is utter ignorance with regard to this aconitine. Besides, it will be unfair on the part of the Crown to challenge me upon that point, because they have put it entirely out of my power to do so.

The suggestion came from the prisoner, that he should have an analyst present at the experiments. If the evidence of medical experts was to be taken against him, why, in the name of common fairness and common humanity, did you not allow him to have an analyst present, to speak as to the means by which the analysis was conducted? We complain, and that bitterly, of this. Was there ever a greater piece of red-tapism than the letter which has been read from the Home Office? Says the Home Office: "The presence of a third medical man at an official analysis, ordered by this department, is contrary to all practice." If it is contrary to all practice, the sooner that practice is remedied the better. In common fairness the prisoner was entitled to have some one. To try a man upon speculative theories on the one hand, and upon an analysis taken behind his back on another, is trifling with life.

So much for the medical evidence, and if I am to be twitted with not calling witnesses, this is my explanation. It is impossible for me to call witnesses. I could not call them upon these facts, because it is proved to demonstration by the prosecution that the view they have set up is founded upon speculation only, and one for which there is no authority. The only chance that I could have in such a case was to have medical experts present at the analysis.

Now comes the question, should you be of opinion that this was a case of aconitine? Who administered it? Was it administered by the prisoner? The evidence has gone to prove that he was exceedingly fond of his brother-in-law. You will remember that he was in the habit from time to time of visiting him at Wimbledon, and that the deceased frequently visited the prisoner. This I desire to place before you as strongly as I can, as it strikes me as being one of the strongest elements in my case, especially when you come to consider the post-card to the prisoner's loving wife, who, whatever others may say of him, still remains true and firm in her belief of his perfect innocence. [The prisoner at this point was visibly affected.] By this you will see that the boy was to travel down to Chichester in three weeks' time. If he had contemplated murder, if he had an assassin's intention in his head, why did he not wait until he had got the boy with him; and why did he, a medical man, go down to Mr. Bedbrook's school on December 3rd and administer the poison there? And administer the poison to get what? To get money to relieve his present necessities. I shall show you, before I sit down, that in the course of two or three weeks the prisoner would have had the boy in his own house and under his own care, when, if he had been sick, he could have marked his symptoms, and might have called in a medical man; and yet, notwithstanding that in the brief space of two or three weeks he might have had the boy in his charge, it is suggested by the prosecution that he, for the paltry sum of £1,500, sacrificed this boy's life.

Why did he not wait till he had got him down to Chichester, where he would be safe with regard to the vomit, because he might have destroyed it? What speaks ten thousand times stronger in his favour was that, if he had taken him down there, he might have given the certificate of death. All this, however, he did not do, and I say it is unreasonable to suppose that the prisoner went to Wimbledon with such intentions as those that have been attributed to him. I quite admit that he was in straitened circumstances, and that he was in great poverty; but poverty is not a crime. I asked the prosecution to desist from culling evidence upon that point, stating that I admitted the fact, but they still went on; witness after witness was called, and you heard it proved how executions were put into his house by tradesmen, and so on. Whether or not this was done to prejudice your minds, I do not know; but if it was, I do not think it will succeed. To be unfortunately poor is one thing, but to commit an infamous and monstrous crime for the sake of obtaining money is another thing.

Supplemental to the observations I have made upon this point, and as to why the prisoner did not wait until the Christmas holidays if he had such murderous intentions, I may point out that the deceased was actually visiting the prisoner and staying at his home in the summer time, and during those visits he was perfectly safe. Now I will just call your attention, while on this part of the case, to the matter of the post-card, which shows that the boy must have been in previous communication with the prisoner. The post-card was in these terms: "Dear old Kitten, we break up on the 20th (Tuesday). I will write and tell you by what train I am coming." From the language of that post-card, it is certain that a previous communication must have passed between them, for he does not say, "Can I come?" But he speaks as if the whole matter had been settled and arranged that he should, and there was an understanding between them that he was to come. The only question was as to the train by which he should come. It is therefore perfectly clear in the light of common sense, that there had been intercommunication between the prisoner's wife and the boy as to his coming down. And then, gentlemen, I say to murder a boy in the way it is alleged would be the work of a lunatic; whereas, by waiting a fortnight, the prisoner might have committed the deed, if he had been so minded, with very great security against detection.

Now let me take you to Wimbledon. On December the 2nd there had been—and I think it will be most important for you to recollect the fact—examinations going on at the school; and it is important for you to remember that, according to the evidence of Mr. Bedbrook, the deceased was generally put about by those examinations, and that his health generally suffered. We have evidence as to the state of his body. He had two curvatures of the spine, one a dorsal curvature, and the other a larger or lumbar curvature. He had also paralysis of the lower parts of the body. Seeing the condition of the body, I think it is a very curious thing if he should have been a healthy boy. It is most unlikely that he was, and we have it in evidence that these examinations generally troubled him very much. You will recollect also that, when the prisoner arrived at the school, Mr. Bedbrook said: "I am glad you did not come yesterday, because the boy was under examination." Then you have the evidence of Mr. Bedbrook as to the curvature of the spine, which he said was becoming worse, and this fact is borne out by evidence of more witnesses than one. It is with reference to this matter that the prisoner says, "I don't think he will live long;" but you must remember, if that is to be taken as evidence

against the man, that he has said that over and over again, long before this occasion, and he had expressed his medical opinion that the boy's curvature of the spine would sooner or later end fatally.

On the occasion when the prisoner saw him, the boy was brought down to the room—carried down. There were other persons in the room, and he partook of cake and sweetmeats. It is not suggested that there was anything the matter with the cake or sweets. They have been analysed, but no poisonous matter was found in them. There were three people in the room. Mr. Bedbrook stood at an elevation—that is to say, he was standing up whilst the prisoner was sitting down, and as near to Percy John as I am to my friend sitting next me. The suggestion of the prosecution is—nay, it is their case—that in the presence of these two persons, the capsule was produced by the prisoner, and either that he had already placed in this capsule enough aconitine to destroy something like three lives, or that he manipulated the aconitine into the capsule while he was there. Now what is there to support that? What does Mr. Bedbrook say? He says, both before the coroner and the magistrates, and he repeats it in answer to me in the Court, "I saw him fill the capsule with sugar he took from the basin." That is to say, "I, with my two eyes, saw him fill the capsule with the sugar he took from the basin." No living eyes perceived that there was anything in the capsule. Why, there was the boy sitting next to him, and Mr. Bedbrook standing up on the other side in, as I have said, an elevated position. Mr. Bedbrook himself takes a capsule, and then the prisoner says, "Percy, you are a swell pill-taker, take this." Where is there a trace or particle of evidence that in that capsule he put anything else than sugar? As far as we know, the prisoner took the capsule out of the box. There is no evidence to the contrary. There is no evidence that he took one out of his pocket, but there is evidence that he took one out of the box at haphazard. If the theory of the prosecution is correct, the prisoner must have put the poisonous capsule into the box, utterly careless as to whether Mr. Bedbrook took it out or not. In the absence of anything like evidence, therefore, what conclusions are we to arrive at? Now, mark me, the capsules were taken—one by the deceased, one by Mr. Bedbrook, and one by Banbury—not an important matter for your consideration, when I come to deal with another branch of this matter.

It was suggested by the Solicitor-General—and here again a life is to be sacrificed upon a mere theory—that the prisoner asked for some sugar to disguise the appearance of what was in the capsule. Did he ask for powdered sugar? Certainly not. Then how can this be a blind? He asked for sugar, and stated that he simply wanted to put it into his sherry. To his mind the sugar did away with the alcoholic effects of the sherry. What was there, I ask, to prevent them bringing lump sugar to him? As a rule, lump sugar would have been used in such a case, and not powdered sugar. If he required powdered sugar, why, I ask, did he not ask for it?

For some time after the prisoner left, the deceased did not complain of sickness; and he only complained, just before going to bed, of heartburn, which is consistent with indigestion, and utterly inconsistent with aconitine. For some twenty minutes he was left in the dining-room alone, after the prisoner went away. He was afterwards taken up to his room, and Mr. Bedbrook became alarmed at his symptoms. Asked how he felt, the boy then said, "I feel as I felt when my brother gave me a quinine pill at Shanklin." Now, gentlemen, weigh the words well, for they were used

by Dr. Berry and Mr. Bedbrook. Mr. Bedbrook examined the box of capsules, which were lying upon the table, after the prisoner left, and he found amongst them four or five quinine pills. How had those pills come there? It is perfectly clear that no quinine pills were given to the boy by the prisoner in the room there that night—that is, in the sight of any one. Mr. Bedbrook was present the whole time, and he would have seen if there had been any given, or if there had been any mention of it. The only thing said about the pills was, "You are a swell pill-taker." Mr. Bedbrook took one capsule out of the box, and he had an ample opportunity of seeing the pills, had they been there; so that it is perfectly clear that the pills did not come from the prisoner, who did not give the boy anything, save and except the cake and the fruit.

The Solicitor-General: And the capsule.

Mr. Montagu Williams: Yes; the capsule. I intend to be perfectly free and open to the jury. Where could the boy have got them from? They certainly did not come from the prisoner. Where was the boy all the afternoon? He was downstairs. What was found subsequently in his box? Why, pills; and not one pill, as I will show you, can be traced to the prisoner. The boy was in the room downstairs, and was able to get about. Here I have a very grave complaint to make against some of the witnesses for the prosecution, inasmuch as they studiously concealed from us the fact that the boy was able to get about. I shall show you that he was able to crawl about from place to place. I would have you remember, also, that this boy kept medicine unknown to any person in the school. According to the evidence, the only person who was allowed to give medicine was the matron, who was called before you. The boys did not keep their own medicine; they were not allowed to do so; and yet you find that not only is this boy in the possession of quinine powders, but also pills, utterly unknown to a single soul in the establishment. Now, did he himself take a pill that night? Did he himself take one of the powders that night? Here is that boy—"the swell pill-taker"—fond of taking medicines, with new capsules before him. What more likely than that he should have taken one of the pills on this occasion? He had an attack of heartburn. What more likely than that he should have had it? It is suggested, on the part of the prosecution, that the pills found in the play-box were sent a long time ago from America by the prisoner. That idea, however, is exploded by Mr. Bedbrook's evidence.

Mr. Bedbrook says that the boy, having taken one of the pills sent from America, said he did not like it; that he felt ill after taking it—which is not a very extraordinary circumstance in taking pills—and that he would rather not take more. Upon that, Mr. Bedbrook took the pills from the boy and destroyed them. At least, though he will not say that he really did destroy them, he will most distinctly swear that he never gave them to the boy again. If you come to the conclusion that this was one of the pills that Dr. Lamson brought from America, you must do so in direct opposition to the evidence of the prosecution, for they have proved to demonstration that these pills were destroyed, or if not destroyed, were not given back to the deceased. There were four or five pills found in this box, and there is nothing to show that the deceased might not have had one in his waistcoat pocket. There is nothing to prove to the contrary—there is nothing to prove that he did not take a pill himself. One witness says deceased said, "I feel as I felt after my brother had given me a quinine pill at Shanklin." Had the prisoner given a pill on December 3, he would have said so. The boy

himself never suggested that the prisoner had given him anything—he never even mentioned the capsule, which shows to my mind plainly enough, that he did not for a moment suspect anything wrong. He had the whole of his faculties about him, and yet when he was questioned he did not say, as you would expect him to have said, "He has given me another pill; he must have given it me in that capsule." The matron of the school, Mrs. Bowles, was examined before the coroner, and before the magistrates, and she said that the deceased was very ill, and vomited, and that he stated that he had taken a quinine pill. Not a syllable more. The same applies to some of the other witnesses. It is only in this Court that we hear from them that the pill was given at Shanklin.

Mr. Bedbrook has told you that a letter subsequently came from the prisoner with 4*s.* 6*d.* for the deceased. I suppose that the prosecution are about to say that this was part of the diabolical scheme that he had conceived for destroying the boy's life, and that he only sent the money as a blind, knowing well that the lad was then in the agonies of death. I cannot for the life of me understand why so much evidence was called for the purpose of misleading you as to this boy being able to get downstairs. Time in this case is of the greatest importance. Dr. Stevenson agrees that in cases of aconitine poisoning, symptoms would be apparent in from a few minutes to two hours.

I propose before I continue the thread of the observations which I was making when the Court adjourned last evening, to draw particular attention to one or two matters which I do not think I sufficiently dwelt upon. I complain, and bitterly complain, and shall do so to the end of the chapter, of the conduct of the Home Secretary in not allowing an analyst to be present on behalf of the prisoner. It is not the practice of the Home Office to permit analysts to be present on the part of the accused; still, in a matter of life and death, that rule should be relaxed, or at least, the residue about which you have heard so much, should have been submitted to some one on the part of the prisoner. When I was speaking of the time which elapsed from the alleged administration of the poison until the death of the poor boy, I should have drawn your attention—and I beg you will not forget this—to the fact that Dr. Bond has stated that the ordinary time for one of these capsules melting is from two to three minutes. I now shall read to you an extract from Dr. Christison's book on poisons, wherein it is stated "evidence of experiments on"——

Mr. Justice Hawkins: Is that not rather a matter for cross-examination? If you read that, it will, of course, be open for the Solicitor-General to read extracts from any book he may think fit.

Mr. Montagu Williams: Dr. Christison is dead, and I cannot call him.

Mr. Justice Hawkins: No, no; you do not understand me. When Dr. Stevenson was in the witness-box, you should have asked him if that book was an acknowledged authority by men of science. He might then have explained or qualified it.

Mr. Montagu Williams: Well, I do not know; but it appears very hard upon me, if I am not allowed to read it.

Mr. Justice Hawkins: As far as I am concerned, I have only to rule as to what is legal evidence and what is not. I have no discretion in the matter if the Solicitor-General objects.

Mr. Montagu Williams: Oh, well, my book is closed.

The Solicitor-General: I do not know what the book is, my lord.

Mr. Montagu Williams: Would you like to see it?

The Solicitor-General: It seems to me that it is something that has occurred since the cross-examination of the witnesses.

Mr. Justice Hawkins: If you read it, you will open the whole field of writings by dead authors.

Mr. Montagu Williams: Oh, well, if there is the slightest discussion about it, I will not insist upon it. [Proceeding with his address to the jury.] When we adjourned last evening, I was about to call your attention to the sale of the aconitine upon November 24. It appears to me to be a very important element in the case, and I think I shall prove that not only is the evidence of the two men called from Messrs. Allen and Hanburys' utterly unreliable, but I shall show you that it is not at all probable. Atropia, it is much more likely, was bought than aconitine. I would call your attention particularly to the evidence of the witness Dodds. He, in his first conversation with Betts, said, "Do you remember the sale of atropia?" "Yes," was the reply; and the only question between them then, and for some hours afterwards, was, as to whether it was atropia or sulphate of atropia. Can you have any doubt that it was not aconitine but atropia? It is a remarkable thing, when we consider what has been proved, that the prisoner was in the habit of purchasing atropia. There is no doubt about this, and there can be none. It appears in the two prescriptions which have been placed in evidence by the prosecution. Which is more probably right? How came the chemists' assistants to dream of atropia, when atropia was the very drug the prisoner was in the habit of using? What was it that changed their opinion? The 2*s.* 6*d.* This book (the petty cash-book of the firm). Neither of the two men could tell the day of the month or the day of the week when the purchase was made, but they do remember that aconitine is 1*s.* 3*d.* per grain, and, finding an entry of 2*s.* 6*d.*, and a "C" against it, denoting a sale to a medical man, they jumped to the conclusion that it was aconitine, and aconitine only. You have heard it stated that atropia is 4*d.* per grain, and oddly enough, on November 29, is an entry in this very book of 8*d.*, with a "C" against it. Considering the doubt of the two assistants as to the day of the week and date, and their first discussions as to its being atropia, who is likely to be right? I humbly submit that the probabilities are all in favour of the accused.

The next witness was Mr. Stilling, a gentleman from Messrs. Bell's, the well-known chemists of Oxford Street. He proved, not a sale, but a suggestion of a sale of aconitine, to the prisoner—that is, that the prisoner went to his shop and wanted to buy a grain of aconitine. Pray bear in mind that *unguentum aconitiæ* is an acknowledged remedy for rheumatism and neuralgia, and it has been proved that the prisoner was a martyr to those complaints. Therefore, it was quite legitimate for the prisoner to have aconitine in his possession. I submit that if the prisoner intended to commit this hideous crime, he would not have stated at the chemists', as he did, that he was staying at Nelson's Hotel, where he might be identified in every respect, and where the police might have laid hands upon him at once.

The next witness was Mr. Littlefield, the chemist, of the Isle of Wight. He gives evidence as to a most important matter in this case—the sale of the quinine powders. He proved the sale of twelve quinine powders of a large size. Six of these powders have been taken by somebody, and probably mainly by the unfortunate boy to whom they were sent. One of them was taken by Banbury, with no ill-effect, and there is not a suggestion that there was anything harmful or injurious in these powders. Where are

the remainder of these twelve? They are produced before you, and, having been analysed by Dr. Stevenson, it is not suggested that there was any poison in them. With regard to powders Nos. 16, 17, and 19, which were found in the boy's box, and which would be the remainder of those purchased at the Isle of Wight, when they were analysed aconite was discovered. In one a considerable quantity was found, but very little trouble was taken in analysing the others—why, I do not know. Dr. Stevenson says he could not tell the quantity of aconite in the other two, but he says it was present. I should have thought that it would have been important to discover the quantities, especially as it affected the question whether there was not a mistake in making the powders, or in assimilating them properly. Where did these poisonous powders come from? The prosecution have to prove that, if they really rely upon it. It is their evidence, and it is for them to substantiate the guilt of the accused, and not for me to prove his innocence. I call upon them, with the whole of the Treasury at their back, to say where these powders came from. They have never ventured to show you at all. They have traced everything they could to the prisoner, but they have endeavoured and failed to trace the pills to him, which were sent from America, and which Mr. Bedbrook swore were destroyed. Do not forget that everything that has come from that man has been tested, and found harmless. The six powders, the wafers, the cake, and the sweets were all analysed and tested, and not one particle of poison has been traced to them; on the contrary, they were proved to be harmless and innocent. The very things that they cannot trace to the prisoner are charged with aconitine; and when I am taunted and may be taunted with calling no witnesses, I may say that I do not do so because I cannot say where the pills that came from the boy's box were bought, and from whence they were supplied to him. The burden of proving that is upon the prosecution, and not upon me. Neither is it for me to assign a cause of death, but for the prosecution.

The next witness was Albert Smith, who proved that on August 28th he sold to the prisoner, at Shanklin, three grains of atropia and one grain of aconitine. Now, the suggestion of the prosecution is that in the month of August the assassin's hand was at work, and that in that month an attempt was made upon the life of this lad. The 28th was Sunday. On the 27th of the same month the family—Mr. and Mrs. Chapman and the boy—arrived at Shanklin. There were at that time four persons of the name of Lamson residing at Shanklin—the prisoner, his wife, his father, and his mother. On the 27th, they met the boy at the station, and they all went to Mrs. Joliffe's lodgings; and here again, as at Wimbledon, the prisoner exhibited solicitude and kindness towards the boy; and if I am taunted with not calling witnesses on that point, the answer is that his conduct proved what is necessary. You allege that the prisoner bought aconitine on August 28th for the purpose of giving it to the lad; and Mr. Poland sought to prove it by the most circuitous routes. There were four persons, as I have said, of the name of Lamson in the island, and there is not a particle of evidence to show you that, after the Saturday, until his sailing for America, the prisoner at the bar was ever in company with the boy. But if he were, what then? A total overthrow of all the suppositions and speculations of the prosecution.

You say that the deceased, while at the Isle of Wight, suffered from illness. I maintain, however, that it was not an illness but an indisposition, and that is corroborated by the evidence of Mr. Chapman, who married the deceased's sister. The symptoms of the indisposition were nothing like

those followed by the taking of aconitine. There was every indication that the boy was suffering from an impaired digestion, and not from the effects of aconitine; and there was medical evidence that the boy, having dined at half-past one o'clock on December 3rd, at Wimbledon, there was found in the vomit at nine o'clock in the evening undigested food. I believe I have now dealt successfully with the Shanklin episode.

With regard to the evidence of Mr. Joliffe, I may say that we heard first from that witness—and it was with great surprise that I heard it—that the boy was able to get up and downstairs. On that matter we are told by witnesses from Wimbledon that it was utterly impossible for the deceased to do that, and I would have you mark the difference of the two statements.

A number of witnesses had been called to prove the impecuniosity of the prisoner. That I have admitted throughout the case, and I cannot understand why the prosecution should have heaped Pelion on Ossa as they have done.

There were called before you two witnesses of the name of Tulloch, and their evidence, I may say, was strangely in contrast. The letter which the witness, John Law Tulloch, forwarded to the prisoner, requesting a loan of £20, spoke of "adding one to the list of favours and kindnesses" which he (the witness) had received from the prisoner. The world is now against the prisoner, and if there can be proved in evidence some little thing in his favour, don't, I beg you, discard and disregard it. He exhibited great kindness to the witness, and also to his brother, and pawned his surgical instruments in order to meet a request on the part of the latter for a loan. If he has got a good trait in his character, in God's name, I trust you will let him have the benefit of it. I cannot tell you the prisoner's account, for by law I am not permitted to do so.

Mr. Justice Hawkins (interrupting): Do not let that be misunderstood. The prisoner cannot be sworn, but his counsel can make his statement for him.

Mr. Montagu Williams: I am much obliged to my lord.

Mr. Justice Hawkins: I do not like it to be understood that the prisoner's mouth is closed; but you are not permitted yourself to make a statement, instead of the prisoner, of facts.

Mr. Montagu Williams: I am not going to do that, my lord. To proceed: it is admitted that, on December 2nd, the boy was passing through an examination, and he was generally on those occasions in an excited state. The prisoner on the day in question went down to Wimbledon in company with one of the witnesses—Tulloch; and it has been suggested that the witness, who gave a different account of his conversation with the prisoner at the Police Court to what he has given here before you, was on that night the worse for liquor. The only man who can corroborate this statement is the prisoner, and my lord says he cannot be sworn. But I have my duty to discharge, and I put a question to the brother to the following effect: "Is your brother, late in the afternoon, sometimes the worse for liquor?" To that question the Solicitor-General very promptly objected, and said that it was not evidence. The question was not pressed, for I was not allowed to press it.

With regard to the two brothers, I cannot help saying, "Look on this picture and on that." One of them proved that which I have been seeking to prove throughout the whole of the case—that the prisoner was a martyr to neuralgia and rheumatism; and, as I have already said, aconitine is the remedy for those complaints. Bear in mind, with regard to the Isle of

Wight transaction, that the prisoner was said to have bought the aconitine on August 28th, and that he sailed for America on the 30th of the same month. Under these circumstances, would it not—I put it to you—be the very time, when he was going on a voyage to the United States, to provide himself with aconitine to relieve the complaints I have mentioned as those to which he was subject?

Now, as to the arrest, what was the man's conduct? The boy was dead, and suspicion fastened upon him—the last man who was in the boy's presence before the symptoms showed themselves; that is, the last man, as far as the evidence went, from whom he received anything that he took into his stomach. That is a very strong point. What does he do—does he fly? No. It may be said, where can he fly to? There are countries where there is no extradition, and where this law cannot reach him. He was out of this country and was in France. He knew that all the appearances were against him; that he was the last person seen; and that suspicion was fastened upon him by the newspapers. He knew the danger that he was in; and yet, did he seek to cover his crime by flight? No; he returned back to this country of his own free will and accord. That circumstance I think should be taken into account in the prisoner's favour. He came to Scotland Yard and was taken before the magistrate. There, however, he thought of some one else besides himself; he thought of his father and mother, and expressed the hope that the matter would not be made public on account of his relatives. I do not think that that is the conduct of a guilty man, and I trust you will be of the same opinion.

Then it is said that motive was not absent in this case—nay, that the motive was powerful which induced the man to commit this crime, and that he murdered this poor lad for the purpose of obtaining the sum of £1,500, which he would have been entitled to on his death. I would have you observe that the prisoner must have known very well that, if the boy died, he would not receive any of the money for three months, for all the children were wards in Chancery. Moreover, he, as a man of education, would know that, if there were suspicions of foul play, no money would be paid over. No money, I may say, has been paid over. In the ordinary course of nature the poor boy could not live long, and the prisoner knew that. The curvature was growing worse, and the boy was suffering from disease of the lungs, so that it was impossible that he could live long. Why, then, should the prisoner anticipate his death by committing the act attributed to him? It is in the highest degree improbable that the prisoner should risk his life in order to bring about a state of things which must have been brought about naturally and without the commission of any crime.

These are observations which you must weigh, and, if they are worth anything, I am sure you will not discard them. I have shown you how this crime might have been committed in safety. I have shown you that, if the prisoner meditated the death of this boy, the Christmas holidays were coming on, and he, as a medical man, could have committed the crime alleged and very easily have done away with the traces of it. The victim would have been in his power; the boy would have been in his hands and in his house. I have called your attention to that because I think it is a matter well worthy of your consideration. I have called your attention to the unreliability of the evidence of the experts as to the existence of aconitine. I have called your attention to the fact that everything traced to the hands of the prisoner is innocuous and harmless, and that the things which

they say are charged with aconitine are in no way brought home to the possession of the prisoner. And here, I say, the prosecution have failed in proving the case laid before you. I have called your attention to the length of time which elapsed between the alleged taking of the poison and the poor boy's death; and, gentlemen, I have now almost done.

My responsibility, which, believe me, is one which I would never willingly incur again—it is heavy enough—will in a few moments be shifted. The responsibility which hangs upon the shoulders of my lord, combined with mine, will finally be removed to yours; for with you the responsibility of this verdict must rest.

Gentlemen, juries have made mistakes; judges have made mistakes; and, although judges tell juries, and tell them earnestly and sincerely—for the judges of this country are one of its brightest ornaments—although they tell juries, intending that they should act upon what they say, not to take any expression of opinion from them, because the responsibility rests with the twelve men who have to try the case; yet, gentlemen, in my humble opinion, when you come to consider that our judges are in many cases elevated to the Bench from being the most successful of advocates and the highest ornaments of advocacy in their profession, you must feel that it is difficult for a judge, or any human being who has been a successful advocate, and who has been one of the brightest orators of the age, entirely to divest himself of oratory. The lion cannot change his skin; the leopard cannot change his spots; and, however unwilling a judge may be that any sentence or word of his might affect the opinion of the jury, the tones that have so long charmed never lose their charm, however much it may be desired—"the right hand" never forgets "its cunning." I make these observations with all sincerity, and with all respect, knowing that they will be taken in the sense in which they are meant.

Gentlemen, I now come to what is to me the most painful part of my duty. I have told you that you have the life of a fellow-creature in your hands. In reality you have a trinity of lives in your hands. You have three people to consider. This man has a wife. Who stood by him in the hour of poverty? That wife. Did you notice her on the first day? A thin, spare figure came up to that dock and took him by the hand, saying by her presence, "Though all men be against you, though all the world be against you, in my heart there is room for you still." Gentlemen, they say that women are inferior creatures, but in the hour of retribution it may be said of women, "When pain and anguish wring the brow, a ministering angel thou." She had sworn at the altar to love, honour, and obey him. It is well that the compilers of the solemn service put "love" first, for where there is woman's love the others follow, as a matter of course; and up to this moment she has stood, so to speak, by his side. Gentlemen, if the prisoner be convicted, and his life be sacrificed, what a legacy is there for her! What a reward for all her true nobility, and for all that is softest and best in life—a widowed home, a cursed life, and a poor little child never to be taught to lisp its father's name, its inheritance the inheritance of Cain!

I make these observations, gentlemen, not with any desire to make you deviate by one hair's breadth from the path of duty, which you are bound to tread; but I do make them to beg, to entreat, to beseech you, with these last tones of my voice, not to found your verdict upon speculative theories and visionary ideas; but to test, and try, and weigh—and accurately weigh—every particle of the evidence—real, solid, coherent evidence—

before you come to a verdict antagonistic to this man. Into your hands I commend a brother's life, for no matter what our nationality or creed may be, by the common tie of human nature all men are brothers. I can only beg you, lastly, to extend towards him—your brother—that upon which, in my humble judgment, all true religion is founded: do unto him —your brother—as you would, if you were placed in such dire straits, that your brethren should do unto you; and may the Lord direct you right.

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